

**HEALTH CODE
OF
BALTIMORE CITY**

(Current through December 31, 2004)

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- § 10-702. Keeping vicious dog prohibited.
- § 10-703. Vicious dogs at large.

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- § 10-704. *{Reserved}*
- § 10-705. *{Reserved}*
- § 10-706. Vicious Dog Hearing Board - establishment and organization.
- § 10-707. Vicious Dog Hearing Board - rules and regulations.
- § 10-708. *{Reserved}*
- § 10-709. *{Reserved}*
- § 10-710. Complaints to Bureau.
- § 10-711. Investigations.
- § 10-712. Report and impoundment.
- § 10-713. Board hearing.
- § 10-714. Decision.
- § 10-715. Judicial and appellate review.

Subtitle 8 {Reserved}

Subtitle 9 Horse Riding and Driving

Part I. Definitions; General Provisions

- § 10-901. Definitions.
- § 10-902. Exemptions from subtitle.
- §§ 10-903 to 10-904. *{Reserved}*

Part II. Driving Licenses

- § 10-905. License required.
- § 10-906. Applications.
- § 10-907. Issuance; form; fee.
- § 10-908. Term
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- §§ 10-910 to 10-911. *{Reserved}*

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- § 10-912. Examination by veterinarian.
- § 10-913. General limitations on use.
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- § 10-918. Sick or injured horses.
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Part IV. Miscellaneous Requirements

- § 10-921. Identification cards.
- § 10-922. Driving under the influence.
- § 10-923. Registry of rentals.
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Subtitle 10 {Reserved}

Subtitle 11 Penalties

- § 10-1101. Enforcement by citation.
- § 10-1102. Penalties: Varied.

TITLE 11 SWIMMING POOLS

Subtitle 1 Definitions

- § 11-101. Definitions.

Subtitle 2 Private Outdoor Swimming Pools

Part I. Definitions; General Provisions

- § 11-201. "Private outdoor pool" defined.
- § 11-202. Purpose.
- § 11-203. Scope of subtitle.
- §§ 11-204 to 11-205. *{Reserved}*

Part II. Required Enclosure

- § 11-206. Fence or wall required.
- § 11-207. Gates and doors.
- § 11-208. Owner and occupant responsible for compliance.
- § 11-209. Modifications.
- §§ 11-210 to 11-211. *{Reserved}*

Part III. Penalties

- § 11-212. Penalties: \$500.

Subtitle 3 Public Swimming Pools

Part I. Definitions; General Provisions

- § 11-301. Definitions.
- § 11-302. Scope of subtitle.
- § 11-303. General powers of Commissioner.
- §§ 11-304 to 11-305. *{Reserved}*

Part II. License Required

- § 11-306. In general.
- § 11-307. Applications.
- § 11-308. Issuance of license.
- § 11-309. Term of license.
- § 11-310. License not transferable.
- §§ 11-311 to 11-312. *{Reserved}*

Part III. Suspensions and Revocations

- § 11-313. In general.
- § 11-314. Immediate suspension.
- §§ 11-315 to 11-316. *{Reserved}*

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- § 11-317. Enforcement by citation.
- § 11-318. Penalties: \$1,000 and 6 months.

**TITLE 12
TOBACCO PRODUCTS**

*Subtitle 1
Smoking in City Buildings and Vehicles*

- § 12-101. Definitions.
- § 12-102. Exemptions.
- § 12-103. Prohibited conduct.
- § 12-104. Posting signs.
- § 12-105. *{Reserved}*
- § 12-106. *{Reserved}*
- § 12-107. Smoking cessation classes.
- § 12-108. Employment rights.
- § 12-109. *{Reserved}*
- § 12-110. *{Reserved}*
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*Subtitle 2
Sale of Unpackaged Cigarettes*

- § 12-201. Definitions.
- § 12-202. Sale prohibited.
- § 12-203. Enforcement by citation.
- § 12-204. Penalties: \$1,000.

*Subtitle 3
Distribution of Samples and Coupons*

- § 12-301. Definitions.
- § 12-302. Exemptions.
- § 12-303. Public distribution prohibited.
- § 12-304. *{Reserved}*
- § 12-305. *{Reserved}*
- § 12-306. Penalties: \$500.

*Subtitle 4
Placement of Tobacco Products*

- § 12-401. Definitions.
- § 12-402. Placement requirements - In general.
- § 12-403. Placement requirements - Exceptions.
- § 12-404. *{Reserved}*
- § 12-405. *{Reserved}*
- § 12-406. Enforcement by citation.
- § 12-407. Penalties: \$500.

*Subtitle 5
Distribution to Minors*

- § 12-501. Definitions.
- § 12-502. Unlawful distribution.
- § 12-503. Exceptions.
- § 12-504. *{Reserved}*
- § 12-505. *{Reserved}*
- § 12-506. Enforcement by citation.
- § 12-507. Penalties: \$1,000.

**TITLE 13
TATTOO ESTABLISHMENTS**

*Subtitle 1
Definitions*

- § 13-101. Definitions.

*Subtitle 2
Licensing and Registration*

- § 13-201. License required for establishments.
- § 13-202. Registration required for tattooists.
- § 13-203. Applications for license.
- § 13-204. Issuance of license; fee.
- § 13-205. Term.

*Subtitle 3
Regulated Activities*

- § 13-301. Safety and sanitary standards.
- § 13-302. *{Reserved}*
- § 13-303. *{Reserved}*
- § 13-304. Tattooing minors prohibited.

*Subtitle 4
Enforcement; Penalties*

- § 13-401. Suspensions, revocations, etc.
- § 13-402. *{Reserved}*
- § 13-405. *{Reserved}*
- § 13-404. Penalties: \$1,000.

**TITLE 14
AMMUNITION SALES TO MINORS**

- § 14-101. Definitions.
- § 14-102. *{Reserved}*
- § 14-103. Sale, etc., to minors prohibited.
- § 14-104. Purchase, etc., by minors prohibited.
- § 14-105. Photo ID required.
- § 14-106. *{Reserved}*
- § 14-107. Registration.
- § 14-108. Notices.
- § 14-109. Sales log.

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- § 14-110. *{Reserved}*
- § 14-111. Rules and regulations.
- § 14-112. *{Reserved}*
- § 14-113. Penalties.

TITLE 15 EPHEDRINE PRODUCTS

Subtitle 1 Definitions

- § 15-101. Definitions.

Subtitle 2 Distribution to Minors

- § 15-201. Unlawful distribution – Businesses.
- § 15-202. Unlawful distribution – Others.
- § 15-203. Exceptions – Identification as adult.
- § 15-204. Exceptions – Published coupon.
- §§ 15-205 to 15-208. *{Reserved}*
- § 15-209. Enforcement by citation.
- § 15-210. Criminal penalties: \$1,000.

Subtitle 3 Product Placement

- § 15-301. General requirements.
- § 15-302. Examples of complying placement.
- §§ 15-303 to 15-308. *{Reserved}*
- § 15-309. Enforcement by citation.
- § 15-310. Criminal penalties: \$500.

TITLES 16 - 17 *{RESERVED}*

TITLE 18 MISCELLANEOUS REGULATIONS

- § 18-101. Burials.
- § 18-102. Youth baseball gear.

TITLE 1
DEFINITIONS; GENERAL PROVISIONS

SUBTITLE 1
DEFINITIONS

§ 1-101. In general.

In this article, the following terms have the meanings indicated.
(*Ord. 99-548.*)

§ 1-102. Adult.

“Adult” means an individual who is 18 years old or older.
(*Ord. 99-548.*)

§ 1-103. City Code.

“City Code” means:

(1) the 1976/83 Edition of the Baltimore City Code; and

(2) the Revised Code of Baltimore City.
(*Ord. 99-548.*)

§ 1-104. Commissioner.

“Commissioner” means the Commissioner of Health or the Commissioner’s designee.
(*Ord. 99-548.*)

§ 1-105. Department.

“Department” means the Baltimore City Department of Health.
(*Ord. 99-548.*)

§ 1-106. Includes; including.

“Includes” or “including” means by way of illustration and not by way of limitation.
(*Ord. 99-548.*)

§ 1-107. Minor.

“Minor” means an individual under the age of 18.
(*Ord. 99-548.*)

§ 1-108. Person.*(a) In general.*

“Person” means:

- (1) an individual;
- (2) a receiver, trustee, guardian, personal representative, fiduciary, or representative of any kind; or
- (3) a partnership, firm, association, corporation, or other entity of any kind.

(b) Exclusions.

“Person” does not include, unless otherwise expressly provided, a governmental entity or an instrumentality or unit of a governmental entity.

(Ord. 99-548.)

§ 1-109. Physician.

“Physician” means an individual authorized by law to practice medicine in the State of Maryland.

(Ord. 99-548.)

§ 1-110. Police officer.

“Police officer” includes, to the extent of that individual’s authority, any individual authorized to act as a Special Enforcement Officer under City Code Article 19, § 71-1 {“Special Enforcement Officers — Appointment; duties”}.

(Ord. 99-548.)

§ 1-111. Revised Code.

“Revised Code” means the unnumbered revised articles of the City Code.

(Ord. 99-548.)

§ 1-112. Street.

“Street” means any street, boulevard, road, highway, alley, lane, sidewalk, footway, or other way that is owned by the City or habitually used by the public.

(Ord. 99-548.)

SUBTITLE 2
RULES OF CONSTRUCTION

§ 1-201. In general.

In interpreting and applying this article, the following rules of construction apply.
(Ord. 99-548.)

§ 1-202. Captions or headings.

The captions or headings of the various sections and subsections:

(1) are for convenience of reference only, intended to summarize the statutory provisions that follow; and

(2) are not law and are not to be taken as affecting the meaning or effect of the law.
(Ord. 99-548.)

§ 1-203. Conflicting provisions.

(a) *Article sets minimum requirements.*

In their interpretation and application, the provisions of this article must be taken to be the minimum requirements for the promotion of the public health, safety, and general welfare.

(b) *Most restrictive provision governs.*

If any condition imposed by a provision of this article is either more or less restrictive than a comparable condition imposed by any other provision of this article or by any other law, rule, or regulation of any kind, the condition that is the more restrictive governs.
(Ord. 99-548.)

§ 1-204. Gender.

Words denoting one gender include and apply to the other genders as well.
(Ord. 99-548.)

§ 1-205. Mail.

Whenever this article requires the use of “registered mail” or “certified mail”, either method may be used.
(Ord. 99-548.)

§ 1-206. Mandatory, prohibitory, and permissive terms.

(a) *Mandatory terms.*

“Must” and “shall” are each mandatory terms used to express a requirement or to impose a duty.

(b) *Prohibitory terms.*

“Must not”, “may not”, and “no ... may” are each mandatory negative terms used to establish a prohibition.

(c) *Permissive terms.*

“May” is permissive.

(Ord. 99-548.)

§ 1-207. Number.

The singular includes the plural and vice versa.

(Ord. 99-548.)

§ 1-208. References to other laws.

Whenever a provision of this article refers to any part of the City Code or to any other law, the reference applies to any subsequent amendment of the law referred to, unless the referring provision expressly provides otherwise.

(Ord. 99-548.)

§ 1-209. Revisor’s Notes.

The Revisor’s Notes following the various sections and subsections, including the accompanying lists of defined terms:

(1) are for convenience of reference only, intended to identify the sources of these provisions and highlight changes made to those sources; and

(2) are not law and are not to be taken as affecting the meaning or effect of the law.

(Ord. 99-548.)

§ 1-210. Severability.

(a) *In general.*

Except as provided in subsection (b) of this section:

(1) all provisions of this article are severable; and

(2) if a court determines that a word, phrase, clause, sentence, paragraph, subsection, section, or other provision is invalid or that the application of any part of the provision to any person or circumstances is invalid, the remaining provisions and the application of those provisions to other persons or circumstances are not affected by that decision.

(b) *Exceptions.*

Subsection (a) of this section does not apply:

(1) to the extent that a statute specifically provides otherwise; or

(2) if the court finds that the remaining provisions alone are incomplete and incapable of being executed in accordance with the legislative intent.

(Ord. 99-548.)

§ 1-211. Time computations.

(a) *Computation of time after an act, event, or default.*

(1) In computing any period of time prescribed by this article, the day of the act, event, or default after which the designated period of time begins to run is not included.

(2) If the period of time allowed is more than 7 days, intermediate Saturdays, Sundays, and legal holidays are counted.

(3) If the period of time allowed is 7 days or less, intermediate Saturdays, Sundays, and legal holidays are not counted.

(4) The last day of the period so computed is included unless it is a Saturday, Sunday, or legal holiday, in which event the period runs until the end of the next day that is not a Saturday, Sunday, or legal holiday.

(b) *Computation of time before a day, act, or event.*

(1) In determining the latest day for performing an act that is required by this article to be performed a prescribed number of days before a certain day, act, or event, all days preceding that day, including intervening Saturdays, Sundays, and legal holidays, are counted in the number of days so prescribed.

(2) The latest day is included in the determination unless it is a Saturday, Sunday, or legal holiday, in which event the latest day is the first preceding day that is not a Saturday, Sunday, or legal holiday.

(Ord. 99-548.)

SUBTITLE 3
SHORT TITLE

§ 1-301. Short title.

This article may be cited as the “Health Code of Baltimore City”.
(*Ord. 99-548.*)

TITLE 2
DEPARTMENT OF HEALTH

SUBTITLE 1
ORGANIZATION AND GENERAL AUTHORITY

§ 2-101. Department established.

There is a Department of Health, as established in Article VII, § 54 of the City Charter.
(*Ord. 99-548.*)

§ 2-102. Commissioner.

The head of the Department is the Commissioner of Health, who is appointed as provided in Article VII, § 55 of the City Charter.
(*Ord. 99-548.*)

§ 2-103. Deputies, assistants, etc.

(a) *In general.*

The Commissioner may appoint deputies, assistants, professional employees, and other officers and employees as provided in the Ordinance of Estimates.

(b) *Identification.*

While on duty, all officers and employees of the Department must have and, on request, display official identification denoting their employment.
(*City Code, 1976/83, art. 11, §3.*) (*Ord. 99-548.*)

§ 2-104. Commissioner's Charter powers.

Under Article VII, § 56 of the City Charter, the Commissioner has the general care of and responsibility for:

- (1) enforcing all laws for the preservation of the health of the inhabitants of the City;
- (2) the study and prevention of disease, epidemics, and nuisances affecting public health; and
- (3) establishing and implementing policies for:
 - (i) treating and preventing physical and mental illnesses; and
 - (ii) educating the public about environmental, physical, and mental health.

(*Ord. 99-548.*)

§ 2-105. General duties.

In addition to any duties set forth elsewhere, the Commissioner has the following duties:

- (1) to observe and inspect areas in and near the City that might be health hazards;
- (2) to enforce all laws relating to health and the correction of health hazards;
- (3) in the absence of a law needed to correct a health hazard, to report and recommend to the Mayor any extraordinary action needed;
- (4) to investigate and report all cases of communicable diseases and take immediate action to stop their spread;
- (5) to remove and abate nuisances; and
- (6) to report to and advise the Mayor and other City authorities on all matters relating to the preservation of the health of the people.

(City Code, 1976/83, art. 11, §1(exc. last cl.)) (Ord. 99-548.)

§ 2-106. Rules and regulations.

- (a) *Commissioner may adopt.*

The Commissioner may adopt and enforce rules and regulations to carry out this article.

- (b) *Filing with Legislative Reference.*

A copy of all rules and regulations must be filed with the Department of Legislative Reference before they may take effect.

Ord. 99-548.)

§ 2-107. Right of entry.

- (a) *In general.*

The Commissioner may, at all reasonable times, enter any structure or premises within the City:

- (1) whenever the Commissioner has reason to believe that a health hazard, nuisance, or violation of this article exists in or is emanating from that structure or premises;
- (2) to inspect any property, facilities, equipment, operations, animals, records, or other things required or authorized by this article to be inspected; or
- (3) otherwise as necessary or appropriate to enforce this article.

(b) *Dwellings.*

(1) *“Dwelling” defined.*

In this subsection, “dwelling” has the meaning stated in § 5-301(b) of this article.

(2) *Governing procedures.*

The entry and inspection of a dwelling must be made in accordance with § 104.6 of the City Building Code.

(3) *Search warrant.*

A search warrant must be obtained in accordance with § 104.6 of the City Building Code, except as otherwise specified in that section.

(City Code, 1976/83, art. 11, §26(e), inter alia, art. 11, §105, art. 19, §9.) (Ord. 99-548; Ord. 02-475.)

SUBTITLE 2
COOPERATION WITH DEPARTMENT

PART I. PHYSICIANS; POLICE

§ 2-201. Physicians to report and assist.

On notice from the Commissioner, any practicing physician in the City must provide information, advice, and assistance to the Commissioner in all matters that relate to the preservation of the health of the people and the prevention of communicable diseases.

(City Code, 1976/83, art. 11, §1(last cl.)) (Ord. 99-548.)

§ 2-202. Police to execute orders.

Baltimore City Police Officers are directed to execute all orders of the Commissioner that relate to the preservation of the health in the City.

(City Code, 1976/83, art. 11, §4.) (Ord. 99-548.)

§§ 2-203 to 2-204. {Reserved}

PART II. PROHIBITED CONDUCT

§ 2-205. Obstructing, etc., Departmental personnel.

No person may knowingly obstruct, resist, or interfere with the Commissioner or any officer or employee of the Department while carrying out their powers and duties.

(City Code, 1976/83, art. 11, §5(1st cl.)) (Ord. 99-548.)

§ 2-206. Impersonating Departmental personnel.

No person may, without authority to do so:

(1) use any identification issued to employees of the Department; or

(2) otherwise represent him- or herself as an employee of the Department.

(City Code, 1976/83, art. 11, §3(3rd par., 1st cl.)) (Ord. 99-548.)

§ 2-207. Failure to comply with Commissioner's order or notice.

No person may refuse, neglect, or otherwise fail to comply with any order or notice issued under this article by or under the authority of the Commissioner.

(City Code, 1976/83, art. 11, §6(1st cl.)) (Ord. 99-548.)

§§ 2-208 to 2-209. {Reserved}

*PART III. PENALTIES.***§ 2-211. Violation a misdemeanor.**

Any person who violates any provision of this subtitle is guilty of a misdemeanor and, on conviction, is subject to the penalties provided in this Part III.
(*Ord. 99-548.*)

§ 2-212. Basic penalty: \$500.

Except as otherwise specified in this Part III, the penalty for a violation of this subtitle is a fine of not more than \$500 for each offense.
(*City Code, 1976/83, art. 11, §3(3rd par.(last cl.)), §5(last cl.). (Ord. 99-548.)*)

§ 2-213. Failure to obey notice or order: \$200 plus \$50/day.

Unless a higher penalty is specified in this article for the same offense, the penalty for a violation of § 2-207 {"Failure to comply with order or notice"} of this subtitle is a fine of not more than \$200 for each offense, plus \$50 for each day that the offense continues.
(*City Code, 1976/83, art. 11, §6(last cl.). (Ord. 99-548.)*)

SUBTITLE 3
ADMINISTRATIVE HEARINGS

§ 2-301. Scope of subtitle.

Except as otherwise specified in this article, this subtitle applies whenever:

- (1) a person is aggrieved by a notice, order, decision, or other action of the Department; or
- (2) the Department proposes to deny, revoke, suspend, or refuse to renew a license or permit.
(*Ord. 99-548.*)

§ 2-302. Opportunity for hearing.

(a) *Licenses and permits.*

- (1) Before the Commissioner takes any final action to deny, revoke, suspend, or refuse to renew a license or permit, the Commissioner must notify the person against whom the action is contemplated of the proposed action.
- (2) The notice must:
 - (i) be in writing; and
 - (ii) state that a hearing will be provided if, within 10 days of the notice (or any longer period specified in the notice), the person files with the Commissioner a written request for a hearing.

(b) *Other situations.*

- (1) In all other situations, any person aggrieved by a notice, order, decision, or other action of the Department may request a hearing on the matter.
 - (2) The request must:
 - (i) be in writing;
 - (ii) state the grounds on which the person is contesting the notice, decision, order, or other action; and
 - (iii) unless a different time is specified in this article, be filed with the Commissioner within 10 days of the notice, decision, order, or other action.
- (*Ord. 99-548.*)

§ 2-303. Delegation of hearing authority.

(a) *In general.*

Hearings may be conducted by:

- (1) the Commissioner; or
- (2) a hearing officer designated by the Commissioner.

(b) *Scope of delegation.*

The Commissioner may delegate to a hearing officer the authority to issue:

- (1) proposed or final findings of fact;
- (2) proposed or final conclusions of law;
- (3) proposed or final findings of fact and conclusions of law;
- (4) proposed or final orders; or
- (5) the final administrative decision of the Department.

(Ord. 99-548.)

§ 2-304. Conduct of hearing.

(a) *Notice.*

- (1) The Commissioner must provide all parties reasonable written notice of the hearing.
- (2) The notice must state:
 - (i) the date, time, place, and nature of the hearing;
 - (ii) the right of a party to be represented, at the party's own expense, by an attorney or, if permitted by law, other representative;
 - (iii) the right of a party to call witnesses and submit documents or other evidence under § 2-305 of this subtitle; and
 - (iv) that failure to appear for the scheduled hearing may result in an adverse action against the party.

(b) *Hearings to be open and informal.*

Except as otherwise provided by law or by rule or regulation of the Department, all hearings must be:

- (1) open to the public; and
- (2) conducted in an orderly but informal manner.

(Ord. 99-548.)

§ 2-305. Evidence.**(a) *In general.***

Except as otherwise provided by this section or by rule or regulation of the Department, formal rules of evidence and trial procedures do not apply.

(b) *Right to submit.*

On a genuine issue of fact, a party is entitled to:

- (1) call witnesses;
- (2) offer evidence, including rebuttal evidence;
- (3) cross-examine any witness that another party or the Department calls; and
- (4) present summation and argument.

(c) *Scope.*

The Commissioner or hearing officer:

- (1) may admit probative evidence that reasonable and prudent individuals commonly accept in the conduct of their affairs and give probative effect to that evidence;
- (2) may not exclude evidence solely on the basis that it is hearsay;
- (3) must give effect to a privilege recognized by law;
- (4) may receive documentary evidence in the form of copies or excerpts or through incorporation by reference;
- (5) may take official notice of a fact that is judicially noticeable or that is general, technical, or scientific and within the specialized knowledge of the Department; and
- (6) may exclude evidence that is:
 - (i) incompetent;
 - (ii) irrelevant;
 - (iii) immaterial; or
 - (iv) unduly repetitious.

(Ord. 99-548.)

§ 2-306. Final decisions.*(a) Form and contents.*

A final decision must:

- (1) be in writing; and
- (2) contain separate statements of:
 - (i) the findings of fact;
 - (ii) the conclusions of law; and
 - (iii) the decision or order.

(b) Distribution.

A copy of the final decision must be mailed or delivered to each party or that party's attorney of record.

(Ord. 99-548.)

§ 2-307. Judicial and appellate review.*(a) Judicial review.*

A party aggrieved by a final decision under this subtitle may seek judicial review of that decision by petition to the Circuit Court for Baltimore City in accordance with the Maryland Rules of Procedure.

(b) Appellate review.

A party to the judicial review may appeal the court's final judgment to the Court of Special Appeals in accordance with the Maryland Rules of Procedure.

(Ord. 99-548; Ord. 04-672.)

TITLE 3
HEALTH FACILITIES

SUBTITLE 1
ORDINANCE REQUIRED TO ESTABLISH

§ 3-101. “Health facility” defined.

(a) *In general.*

In this subtitle, “health facility” means:

- (1) any hospital or similar facility for the care, custody, or treatment of 2 or more unrelated patients suffering mental or physical ailments;
- (2) any home for the rehabilitation of non-bedridden alcoholics, as that term is used in the Zoning Code of Baltimore City; and
- (3) any substance abuse treatment center, as defined in the Zoning Code of Baltimore City.

(b) *Exclusions.*

“Health facility” does not include:

- (1) any pharmacy or first-aid treatment facility that is maintained by a commercial or industrial plant, educational institution, or religious institution; or
- (2) any convalescent, nursing, or rest home, as defined in the Zoning Code of Baltimore City.

(City Code, 1976/83, art. 12, §1(2nd sen.).) (Ord. 99-548.)

§ 3-102. Ordinance required.

A health facility may not be established in the City unless authorized by an ordinance of the Mayor and City Council of Baltimore.

(City Code, 1976/83, art. 12, §1(1st sen.(1st cl)).) (Ord. 99-548.)

§ 3-103. Public notice.

At least 30 days before the City Council conducts a hearing on the proposed ordinance, the applicant must:

- (1) post notice of the proposed ordinance in a conspicuous place on the premises; and
- (2) publish notice of the proposed ordinance at least once a week for 4 weeks in not less than 2 daily newspapers of general circulation in the City.

(City Code, 1976/83, art. 12, §1(1st sen.).) (Ord. 99-548.)

§ 3-104. Violation notice.

If any person establishes or conducts a health facility in violation of this subtitle, the Mayor or the Commissioner may issue a written order to the person to discontinue all operations within 10 days of the notice.

(City Code, 1976/83, art. 12, §2(last cl.).) (Ord. 99-548.)

§§ 3-105 to 3-106. {Reserved}**§ 3-107. Penalties: \$1,000.**

(a) *In general.*

Any person who fails to comply with an order issued under § 3-104 {"Violation notice"} of this subtitle is guilty of a misdemeanor and, on conviction, is subject to a fine of not more than \$1,000 for each offense.

(b) *Each day a separate offense.*

Each day that the health facility operates after the deadline specified in the notice is a separate offense.

(City Code, 1976/83, art. 12, §2(1st cls.).) (Ord. 99-548.)

SUBTITLE 2
NURSING HOMES

§ 3-201. “Nursing home” defined.

In this subtitle, “nursing home” means:

- (1) a comprehensive care facility, as defined in COMAR 10.07.02.01B(6);
 - (2) an assisted living program, as defined in COMAR 10.07.14.02B(10); and
 - (3) an extended care facility, as defined in COMAR 10.07.02.01B(12).
- (City Code, 1976/83, art. 11, §100A(a).) (Ord. 99-548.)*

§ 3-202. Cooling requirements.

From June 1 through September 30 of each year, every nursing home must maintain and operate, throughout all rooms and areas that are occupied or used by residents, a cooling system that maintains a temperature of less than 82° F.

(City Code, 1976/83, art. 11, §100A(a)(7), (b).) (Ord. 99-548.)

§ 3-203. Equipment and supply standards.

(a) Commissioner to develop.

The Commissioner must develop standards and requirements for the following items used in nursing homes:

- (1) patient lifting and mobility equipment;
- (2) bathroom and shower equipment; and
- (3) linens and toiletries.

(b) Nursing homes to comply.

Every nursing home must comply with the standards and requirements adopted under this section.

(City Code, 1976/83, art. 11, §100A(c).) (Ord. 99-548.)

§§ 3-204 to 3-205. {Reserved}

§ 3-206. Civil penalties: \$1,000.

(a) In general.

Any person who violates any provision of this subtitle is subject to a civil fine of not more than \$1,000 for each offense.

(b) *Each day a separate offense.*

Each day that a violation continues is a separate offense.
(*City Code, 1976/83, art. 11, §100A(d).*) (Ord. 99-548.)

SUBTITLE 3
CITY CLINICS AND CENTERS

§ 3-301. Commissioner may establish.

The Commissioner of Health may establish health clinics and centers in the City.
(*City Code, 1976/83, art. 11, §51(1st sen.)*.) (*Ord. 99-548.*)

§ 3-302. Operational guidelines and procedures.

(a) *In general.*

The Commissioner must adopt guidelines and procedures for the administration and operation of these clinics and centers.

(b) *Scope.*

Among other matters, the guidelines and procedures must govern:

(1) the eligibility of individuals for services; and

(2) the fees to be charged for those services.

(*City Code, 1976/83, art. 11, §51(1st sen.), (2nd sen.(part))*.) (*Ord. 99-548.*)

§ 3-303. Fees.

Fees for services at City clinics and centers:

(1) may not exceed the actual cost of the services; and

(2) must be approved by the Board of Estimates.

(*City Code, 1976/83, art. 11, §51(2nd sen.(part))*.) (*Ord. 99-548.*)

SUBTITLE 4
TEMPORARY HOSPITALS

§ 3-401. Establishment.

To prevent morbidity or mortality constituting a threat to public health, the Commissioner of Health, with the approval of the Mayor may:

(1) rent or erect suitable structures for temporary hospitals or places to receive the sick or infected; and

(2) require sick or infected individuals to be moved to these temporary hospitals or places.
(*City Code, 1976/83, art. 11, §196(1st, 2nd cls.) (Ord. 99-548.)*)

§ 3-402. Rules and regulations.

With the approval of the Mayor, the Commissioner may adopt rules and regulations to govern:

(1) all temporary hospitals or places established under this section; and

(2) all individuals residing in or in any way concerned with them.
(*City Code, 1976/83, art. 11, §196(1st, 3rd cls.) (Ord. 99-548.)*)

§ 3-403. Individuals too sick to move.

If an individual cannot be moved without danger to his or her health, the house or place where he or she remains is considered to be a temporary hospital for purposes of this subtitle.
(*City Code, 1976/83, art. 11, §196(2nd cl.) (Ord. 99-548.)*)

§§ 3-404 to 3-405. {Reserved}

§ 3-406. Penalties: \$500.

(a) *In general.*

Any person who violates a rule or regulation adopted under this subtitle is guilty of a misdemeanor and, on conviction, is subject to a fine of not more than \$500 for each offense.

(b) *Each day a separate offense.*

Each day that a violation continues is a separate offense.
(*City Code, 1976/83, art. 11, §204.) (Ord. 99-548.)*)

TITLE 4
DISEASE CONTROL

SUBTITLE 1
GENERAL PROVISIONS

§ 4-101. Nature of reports.

(a) *Reporting does not breach confidentiality.*

The making of a report as required or permitted by this title is not a breach of a patient's confidentiality.

(b) *Confidentiality of reports.*

Except as otherwise required by law, all reports made under this title are confidential and not open to public inspection.

(City Code, 1976/83, art. 11, §§205(e)(1st cl.), 206(h), 211(e).) (Ord. 99-548.)

§ 4-102. Form and contents of reports.

(a) *Form.*

All reports must be made in writing, in the form that the Commissioner requires.

(b) *Contents.*

In addition to any other information specified in this title or required by the Commissioner, all reports must contain the following patient information, to the extent known:

- (1) name;
- (2) place of dwelling;
- (3) date of birth or, if not known, approximate age;
- (4) sex;
- (5) race/ethnicity; and
- (6) occupation.

(City Code, 1976/83, art. 11, §§187(a), 188, 206(c), 209(a).) (Ord. 99-548.)

§ 4-103. Inspection of records.

The Commissioner may inspect the records of any person or facility subject to this title to determine compliance with this title.

(City Code, 1976/83, art. 11, §§206(i), 211(f).) (Ord. 99-548.)

SUBTITLE 2
REPORTING DISEASES — IN GENERAL

PART I. BY HEALTH CARE PRACTITIONERS

§ 4-201. Physicians.

(a) *Duty to report.*

Every physician must report to the Commissioner of Health every confirmed or suspected diagnosis of any disease or condition that the Commissioner specifies by rule or regulation for purposes of this section.

(b) *When to report.*

Unless a different time is set by the Commissioner or by State law, the report must be made within 48 hours of the diagnosis.

(c) *Contents of report.*

In addition to the information required by § 4-102 {“Form and contents of reports”} of this title, the report must contain the following information:

(1) the identity of the disease or condition; and

(2) the date of its onset.

(City Code, 1976/83, art. 11, §187(a).) (Ord. 99-548.)

§ 4-202. Health care facilities.

(a) *Reporting officer.*

The chief administrative officer of each hospital, related institution, clinic, pharmacy, or other health care facility must appoint an individual from the facility’s full-time staff to serve as the facility’s reporting officer.

(b) *Duty to report.*

The reporting officer must report to the Commissioner every confirmed or suspected diagnosis of any disease or condition that the Commissioner specifies by rule or regulation for purposes of this section.

(c) *When to report.*

Except for specified diseases or conditions that the Commissioner or State law requires to be reported on a more timely basis, the report must be made within 48 hours for all patients who have been:

- (1) newly admitted to the facility;
- (2) admitted to an isolation ward;
- (3) treated on an emergency or out-patient basis; or
- (4) discharged without having been previously reported.

(d) *Contents of report.*

In addition to the information required by § 4-102 {"Form and contents of reports"} of this title, the report must contain the following information:

- (1) the identity of the disease or condition; and
- (2) the date of its onset.

(e) *Nature of report.*

The reporting of a disease or condition under this section does not absolve the attending physician of the duty to report the same disease or condition under § 4-201 {"Physicians"} of this subtitle.

(City Code, 1976/83, art. 11, §205(a) - (d), (e)(2nd cl.).) (Ord. 99-548.)

§ 4-203. Laboratories — in general.

(a) *Duty to report.*

The individual in charge of any public or private medical laboratory must report to the Commissioner the result of any test of a specimen from a human body that is microscopic cultural, histological, pathological, immunological, serological, or other confirmed or suspected evidence of any disease or condition that the Commissioner specifies by rule or regulation for purposes of this section.

(b) *When to report.*

- (1) Unless a different time is set by the Commissioner or by State law, the report must be made within 48 hours of obtaining the test results.
- (2) When more than 1 specimen is taken from the same patient during a single disease episode, the individual in charge of the laboratory need not report every test result that shows evidence of the same disease if:
 - (i) at least 1 positive test report is reported; and
 - (ii) the Commissioner approves in writing the reporting of less than all test results.

(c) Contents of report.

In addition to the information required by § 4-102 {"Form and contents of reports"} of this title, the report must contain the following information:

- (1) the date and type of test performed;
- (2) the results of the test;
- (3) the name and address of the physician for whom the examination was performed; and
- (4) if applicable, an enumeration of colonies of acid-fast bacilli, according to Diagnostic Standards of the American Thoracic Society.

(d) Test result not final diagnosis.

The result of a laboratory test:

- (1) is not to be considered a final diagnosis; and
- (2) does not absolve the attending physician of the duty to report her or his diagnosis of the case under § 4-201 {"Physicians"} of this subtitle.

(City Code, 1976/83, art. 11, §206(a) - (d).) (Ord. 99-548.)

§ 4-204. Laboratories — referral of cultures.*(a) When referral required.*

The Commissioner may require that cultures containing acid-fast bacilli be referred to the Maryland State Laboratory unless they have been identified in accordance with standards set by the Commissioner.

(b) Effect of referral.

The referral of cultures does not:

- (1) satisfy the reporting requirements of § 4-203 {"Laboratories — in general"} of this subtitle; or

- (2) excuse delay in transmitting a presumptive culture result to the attending physician.

(City Code, 1976/83, art. 11, §206(e).) (Ord. 99-548.)

§§ 4-205 to 4-206. {Reserved}

*PART II. BY OTHERS***§ 4-207. Lodging facilities.***(a) "Lodging facility" defined.*

In this section, "lodging facility" means any:

- (1) hotel or motel;
- (2) rooming house;
- (3) apartment house;
- (4) dwelling house; or
- (5) public or private institution in which individuals abide temporarily or permanently.

(b) Duty to report.

The individual in charge of a lodging facility must report to the Commissioner anyone in the lodging facility who is suffering from any disease or condition that the Commissioner specifies by rule or regulation for purposes of this section.

(c) When to report.

Unless a different time is set by the Commissioner or by State law, the report must be made within 24 hours of the individual's being told or otherwise becoming aware of the disease or condition.

(City Code, 1976/83, art. 11, §§188, 189.) (Ord. 99-548.)

§ 4-208. Vessels in harbor.*(a) Scope of section.*

This section does not apply to a vessel that is in medical isolation.

(b) Duty to report.

The master, chief officer, or consignee of a vessel must report to the Commissioner anyone on board who is suspected of suffering from a communicable disease.

(c) When to report.

The report must be made immediately on the vessel's coming within ¼ mile of any dock, wharf, or building in the City.

(d) *Contents of report.*

In addition to the information required by § 4-102 {"Form and contents of reports"} of this title, the report must contain the following information:

(1) the name and location of the vessel;

(2) the name of the suspected communicable disease; and

(3) the name and condition of all individuals on board suffering from the disease.

(City Code, 1976/83, art. 11, §190.) (Ord. 99-548.)

SUBTITLE 3
REPORTING DISEASES — TUBERCULOSIS

§ 4-301. Laboratory test results.

(a) *Duty to report.*

If a medical laboratory performs mycobacterial drug susceptibility tests of cultures that are identified as *M. tuberculosis* and that have not been referred to the Maryland Laboratories Administration for this determination, the individual in charge of the laboratory must report the test results to the Commissioner.

(b) *When to report.*

Unless a different time is set by the Commissioner or by State law, the report must be made within 48 hours of obtaining the test results.

(City Code, 1976/83, art. 11, §206(f).) (Ord. 99-548.)

§ 4-302. Drugs suggesting treatment.

(a) *Duty to report.*

The individual in charge of any public or private pharmacy, other than a facility operated by the Department, must report to the Commissioner of Health whenever it dispenses any anti-tuberculosis medication that the Commissioner specifies by rule or regulation for purposes of this section.

(b) *When to report.*

Unless a different time is set by the Commissioner or by State law, the report must be made within 48 hours of having dispensed the medication.

(c) *Contents of report.*

In addition to the information required by § 4-102 {"Form and contents of reports"} of this title, the report must contain the following information:

- (1) the type, and strength of medication issued;
- (2) the daily dosage;
- (3) the dosing schedule;
- (4) the total amount prescribed;
- (5) the name and address of the physician who issued the prescription; and
- (6) the date the medication was dispensed.

(d) *Report not final diagnosis.*

The prescription of medication:

(1) is not to be considered a final diagnosis; and

(2) does not absolve the attending physician of the duty to report her or his diagnosis of the case under § 4-201 {"Physicians"} of this subtitle.

(City Code, 1976/83, art. 11, §211(a) - (c).) (Ord. 99-548.)

§ 4-303. Physician's contact investigation.

(a) *Duty to conduct.*

A physician who treats a patient with tuberculosis must:

(1) thoroughly investigate all individuals who might have been exposed to the patient at home, work, or otherwise; or

(2) request the Commissioner to undertake this investigation.

(b) *Duty to report.*

If the physician undertakes the investigation required by this section, the physician must report the results to the Commissioner.

(c) *Contents of report.*

In addition to any other information that the Commissioner requires, the report must contain:

(1) evidence that an investigation has been thoroughly conducted;

(2) the identity of the source case; and

(3) the following information about each individual tested:

(i) the date and type of test performed;

(ii) the results of the test; and

(iii) the personal information listed in § 4-102 {"Form and contents of reports"} of this title.

(City Code, 1976/83, art. 11, §207(a), (b).) (Ord. 99-548.)

§ 4-304. Patient leaving hospital or institution.**(a) *Duty to notify.***

If a patient with a confirmed or suspected diagnosis of tuberculosis leaves a ward, emergency room, or outpatient department of a hospital or other institution without the consent or against the advice of a physician or other individual in charge, the physician or other individual in charge must notify the Commissioner of the patient's departure.

(b) *When to notify.*

Unless a different time is set by the Commissioner or by State law, the notice must be given within 24 hours of the patient's departure.

(c) *Action by Commissioner.*

The Commissioner may take whatever action is needed to protect the public from that patient. *(City Code, 1976/83, art. 11, §208(a).) (Ord. 99-548.)*

§ 4-305. Discontinued treatment.**(a) *Duty to notify.***

If any patient being treated for tuberculosis discontinues treatment before the period that the Commissioner sets for that treatment, the attending physician must notify the Commissioner of the discontinuance.

(b) *When to notify.*

Unless a different time is set by the Commissioner or by State law, the notice must be given within 24 hours of the discontinuance.

(c) *Action by Commissioner.*

The Commissioner may take whatever action is needed to protect the public from that patient. *(City Code, 1976/83, art. 11, §210(a).) (Ord. 99-548.)*

§ 4-306. Death from tuberculosis.**(a) *Duty to report.***

Every physician or medical examiner must report to the Commissioner if he or she believes that an individual he or she attended or examined has died of tuberculosis.

(b) *When to report.*

Unless a different time is set by the Commissioner or by State law, the report must be made within 48 hours of the death or the discovery of the disease, whichever is later.

(c) *Contents of report.*

In addition to the information required by § 4-102 {"Form and contents of reports"} of this title, the report must contain the place of death.
(*City Code, 1976/83, art. 11, §209(a).*) (*Ord. 99-548.*)

SUBTITLE 4
CONTROLLING COMMUNICABLE DISEASES

§ 4-401. “Communicable disease” defined.

In this subtitle, “communicable disease” means any contagious, infectious, or communicable disease or condition that the Commissioner specifies by rule or regulation for purposes of this subtitle.
(*Ord. 99-548.*)

§ 4-402. Investigations generally.

The Commissioner may investigate any report of a case or suspected case of a communicable disease or communicable disease carrier, to determine the source of infection and the need for restricting movement or isolating affected individuals.
(*City Code, 1976/83, art. 11, §213(1st sen.) (Ord. 99-548.)*)

§ 4-403. Examinations of individuals.

(a) *Scope of section.*

(1) Except as specified in paragraph (2) of this subsection, this section applies to any individual:

- (i) who has or whom the Commissioner of Health suspects on reasonable grounds of having a communicable disease;
- (ii) who is or whom the Commissioner suspects on reasonable grounds of being a communicable disease carrier; or
- (iii) who is or whom the Commissioner suspects on reasonable grounds of having been in contact with any individual described in item (i) or (ii) of this subsection.

(2) This section may not be applied to interfere with any individual who is a bona fide practicing Christian Scientist and who receives treatment from registered Christian Science practitioners.

(b) *Examination required.*

On request of the Commissioner, any individual described in subsection (a) of this section must, for the purpose of determining if she or he has a communicable disease or is a carrier:

- (1) undergo a medical examination; and
- (2) submit specimens of body fluids, secretion, excretion, or discharge for laboratory examination.

(c) *By whom made.*

The medical examination may be made by:

- (1) the Commissioner or a physician selected by the Commissioner; or
- (2) at the option of the individual to be examined, any physician qualified to make this sort of examination.

(d) *Report of physician.*

The examining physician must promptly report the results of the examination to the Commissioner.

(City Code, 1976/83, art. 11, §§213(1st sen.), 214(2nd sen.)) (Ord. 99-548.)

§ 4-404. Action to prevent spread; public notice of disease.

Whenever a communicable disease is found to exist, the Commissioner may:

- (1) take all possible action to prevent the disease from spreading; and
- (2) give public notice of the disease and of affected places, by all means that the Commissioner believes would be effective, including the posting of affected places.

(City Code, 1976/83, art. 11, §197(1st cl.)) (Ord. 99-548.)

§ 4-405. Vacating premises.

(a) *In general.*

Whenever an infectious agent is discovered in any dwelling or other building that is overcrowded, in a filthy and neglected state, or located in an unhealthy or crowded part of the City, the Commissioner, with the approval of the Mayor, may require the inhabitants of the building to move elsewhere while the City cleans and disinfects the building.

(b) *City to bear expenses.*

All expenses incurred under this section for moving, temporary housing, cleaning, and disinfecting are to be borne by the City.

(City Code, 1976/83, art. 11, §194.) (Ord. 99-548.)

§ 4-406. Medical isolation — in general.

The Commissioner may adopt rules and regulations to require the medical isolation of individuals having a communicable or potentially communicable disease or condition dangerous to the public health.

(City Code, 1976/83, art. 11, §212(1st par.(1st cl.)) (Ord. 99-548.)

§ 4-407. Medical isolation — court papers to be sealed.

In any court proceeding brought to enforce a medical isolation, all papers filed with the court:

- (1) must be sealed; and

- (2) may be inspected only by order of the court, on notice to the individual named in those papers and for good cause shown.

(City Code, 1976/83, art. 11, §212(2nd par.).) (Ord. 99-548.)

§§ 4-408 to 4-409. {Reserved}

§ 4-410. Prohibited conduct.

No person may:

- (1) refuse, neglect, or otherwise fail to undergo an examination as required by § 4-403 {"Examinations of individuals"} of this subtitle;
- (2) remove or deface any notice posted under § 4-404 {"Action to prevent spread; public notice of disease"} of this subtitle;
- (3) refuse, neglect, or otherwise fail to comply fully with an order for medical isolation issued under authority of § 4-406 {"Medical isolation"} of this subtitle;
- (4) needlessly expose others to the risk of a communicable disease, whether by exposure of him- or herself, another person, a dead body, or any infected material; or

- (5) otherwise, by reason of non-cooperation or carelessness, endanger the public health.

(City Code, 1976/83, art. 11, §§192(2nd cl.), 197(2nd cl.), 212(1st par.(2nd cl.)), 215.) (Ord. 99-548.)

SUBTITLE 5
IMMUNIZATIONS

PART I. PURPOSE AND NEED

§ 4-501. In general.

Immunizations are a proven preventive measure in reducing the morbidity and mortality associated with childhood communicable diseases. Accordingly, to safeguard the public health and welfare, the City needs to attain and sustain an immunization coverage rate of at least 90% for age-appropriate vaccinations among infants and preschool children residing in the City.
(*City Code, 1976/83, art. 11, §215A(a).*) (*Ord. 99-548.*)

§ 4-502. {Reserved}

PART II. IMMUNIZATION REQUIRED

§ 4-503. Parental responsibility.

Except as specified in § 4-506 {"Exceptions"} of this subtitle, every parent and guardian must provide for the timely and appropriate immunization of their minor children against all immunization-preventable childhood diseases, as specified by rule or regulation of the Commissioner.
(*City Code, 1976/83, art. 11, §199.*) (*Ord. 99-548.*)

§ 4-504. Scope of enforcement.

In enforcing this Part II, each child who is not properly immunized as required is considered a separate offense.
(*Ord. 99-548.*)

§ 4-505. Rules and regulations.

In adopting rules and regulations under this Part II, the Commissioner must consider the recommendations of the Advisory Committee on Immunization Practices.
(*Ord. 99-548.*)

§ 4-506. Exceptions.

This Part II does not apply:

- (1) to any child whose parent or guardian, in accordance with the rules and regulations of the State Secretary of Health and Mental Hygiene, objects to immunization on the ground that it conflicts with the parent's or guardian's bona fide religious beliefs and practices; or
 - (2) if, because of a child's medical condition, the administration of an immunizing agent could precipitate a medical emergency.
- (*Ord. 99-548.*)

§§ 4-507 to 4-508. {Reserved}*PART III. PEDIATRIC REGISTRY***§ 4-509. Commissioner to establish registry.**

The Commissioner of Health is directed to adopt rules and regulations to implement a registry of immunization history for children residing in the City.
(*City Code, 1976/83, art. 11, §215A(b).*) (*Ord. 99-548.*)

§ 4-510. Reports by health care providers.*(a) Duty to report.*

Each pediatric, family, and general health care provider must report to the Commissioner whenever that provider administers an immunizing agent to any child who is less than 5 years old and resides in the City.

(b) When to report.

The report must be made within 14 days after administering the immunizing agent.
(*City Code, 1976/83, art. 11, §215B.*) (*Ord. 99-548.*)

§ 4-511. Civil penalties: \$1,000.*(a) Fine.*

Any health care provider who violates any provision of this Part III or of a rule or regulation adopted under it is subject to a civil penalty of not more than \$1,000 for each violation.

(b) Withholding assistance; records audit.

In addition to imposing a fine, the court may:

- (1) issue an order for withholding publicly distributed vaccines or pediatric primary care funding or both vaccines and funding; and
- (2) order the Department to conduct a medical records audit of the health care provider, the cost of the audit to be paid by the health care provider.

(c) Subtitle 9 inapplicable.

Subtitle 9 {"Penalties"} of this title does not apply to violations of this Part III.
(*City Code, 1976/83, art. 11, §215C.*) (*Ord. 99-548; Ord. 00-020.*)

SUBTITLE 6
LEAD POISONING

PART I. SCREENING REQUIRED

§ 4-601. Parental responsibility.

Except as specified in § 4-603 {"Exceptions"} of this subtitle, every parent and guardian must provide for the timely and appropriate testing for lead poisoning of his or her minor children, as specified by the Commissioner's rules and regulations.

(Ord. 00-020.)

§ 4-602. Provider's responsibility.

Except as specified in § 4-603 {"Exceptions"} of this subtitle, every pediatric and primary care health provider must order the timely and appropriate testing for lead poisoning of his or her minor patients, as specified by the Commissioner's rules and regulations.

(Ord. 00-020.)

§ 4-603. Exceptions.

This Part I does not apply to any child whose parent or guardian, in accordance with the rules and regulations of the State Secretary of Health and Mental Hygiene, objects to testing on the ground that it conflicts with the parent's or guardian's bona fide religious beliefs and practices.

(Ord. 00-020.)

§ 4-604. Enforcement.

(a) Separate offenses.

In enforcing this Part I, each child who is not properly tested as required is considered a separate violation.

(b) Civil penalties — Parents and guardians.

§ 4-601 {"Parental responsibility"} of this subtitle may be enforced by issuance of an environmental citation under Article 1, Subtitle 40 {"Environmental Control Board"} of the City Code.

(c) Civil penalties — Providers.

Any provider who violates any provision of § 4-602 {"Provider's responsibility"} of this subtitle or of a rule or regulation adopted under it is subject to a civil penalty of not more than \$100 for each violation.

(d) Subtitle 9 inapplicable.

Subtitle 9 {"Penalties"} of this title does not apply to violations of this Part I.

(Ord. 00-020.)

§ 4-605. {Reserved}*PART II. REGISTRY; REPORTS***§ 4-606. Commissioner to establish registry.**

The Commissioner of Health is directed to adopt rules and regulations to implement a registry of screening history for children residing in the City.
(Ord. 00-020.)

§ 4-607. Reports by medical laboratories.*(a) Duty to report.*

Each medical laboratory must report to the Commissioner whenever that laboratory tests for lead poisoning any child who is less than 7 years old and who resides in the City.

(b) When to report.

The report must:

(1) be made within 14 days after the test is conducted; and

(2) contain the information that the Commissioner requires, as specified by the Commissioner's rules and regulations.

(Ord. 00-020.)

§ 4-608. Reports by child care facilities.*(a) "Child care facility" defined.*

(1) In this section, "child care facility" means any facility that:

(i) provides for the care, custody, or control of a minor child; and

(ii) is required to be licensed by or registered with the State for that purpose.

(2) Subject to the criteria contained in paragraph (1) of this subsection, "Child care facility" includes any:

(i) child care center;

(ii) child care home;

(iii) child care institution;

(iv) family day care home;

(v) non-public nursery school; or

(vi) non-public kindergarten.

(b) *Duty to report.*

Each child care facility must report to the Commissioner whenever that facility receives a State Health Inventory or other report that contains information on whether a child who resides in the City has been tested for lead poisoning.

(c) *When to report.*

The report must:

(1) be made within 14 days after the State Health Inventory or other report is received by the facility; and

(2) contain the information that the Commissioner requires, as specified by the Commissioner's rules and regulations.

(Ord. 00-020.)

§ 4-609. Civil penalties: \$100.

(a) *Fine.*

Any person who violates any provision of this Part II or of a rule or regulation adopted under it is subject to a civil penalty of not more than \$100 for each violation.

(c) *Subtitle 9 inapplicable.*

Subtitle 9 {"Penalties"} of this title does not apply to violations of this Part II.

(Ord. 00-020.)

§ 4-610. {Reserved}

PART III. PUBLIC SCHOOL WATER FOUNTAINS

§ 4-611. Inspections required.

(a) *In general.*

Every 2 years, the Health Commissioner shall test all activated water fountains at each of 10 randomly-selected public schools.

(b) *Expenses.*

Testing shall be conducted at the expense of the Baltimore City School System.

(Ord. 04-647.)

§ 4-612. Failing fountains.

Any water fountain that fails to meet EPA standards must be taken out of service.
(*Ord. 04-647.*)

SUBTITLE 7
BIOLOGICAL TERRORISM REPORTING

§ 4-701. Definitions.

(a) *In general.*

In this subtitle, the following terms have the meanings indicated.

(b) *Suspect Symptoms.*

“Suspect symptoms” means those symptoms that the Commissioner designates by rule or regulation as being indicative of a possible biological terrorist attack.

(Ord. 01-259.)

§ 4-702. In general.

(a) *When reports to be made.*

Unless the Commissioner’s rules or regulations specify otherwise, each report required by this subtitle must be made daily for all events occurring within the preceding 24 hours.

(b) *How reports to be made.*

Each report required by this subtitle must be made electronically, by a method and in the form the Commissioner’s rules or regulations specify.

(c) *Contents of reports.*

Each report required by this subtitle must contain:

(1) all of the information specified in this subtitle for that report; and

(2) all other information that the Commissioner requires by rule or regulation.

(Ord. 01-259.)

§ 4-703. EMS calls.

(a) *Duty to report.*

The Emergency Medical System of the Baltimore City Fire Department must report to the Commissioner on all calls made to assist individuals who evidence suspect symptoms.

(b) *Contents of report.*

In addition to any other information required by rule or regulation, the report must specify for each reporting period:

(1) the aggregate number of calls subject to the report; and

(2) for each of these calls, the specific suspect symptom or symptoms identified.

(Ord. 01-259.)

§ 4-704. Animal carcasses.

(a) *Duty to report.*

The Department of Public Works and the Health Department's Bureau of Animal Control must report to the Commissioner on animal carcasses that the Commissioner specifies by rule or regulation.

(b) *Contents of report.*

In addition to any other information required by rule or regulation, the report must specify for each reporting period:

(1) the aggregate number of carcasses subject to the report; and

(2) the number of carcasses for each species.

(Ord. 01-259.)

§ 4-705. School absences.

(a) *Duty to report.*

The Baltimore City Public School System must report to the Commissioner on all elementary school absences.

(b) *Contents of report.*

In addition to any other information required by rule or regulation, the report must specify for each reporting period:

(1) the aggregate percentage of absences Citywide; and

(2) the percentage of absences by grade.

(Ord. 01-259.)

§ 4-706. Health Center treatments.

(a) *Duty to report.*

The Baltimore City Community Health Centers must report to the Commissioner on all patients who evidence suspect symptoms.

(b) *Contents of report.*

In addition to any other information required by rule or regulation, the report must specify for each reporting period:

(1) the aggregate number of patients subject to the report; and

(2) for each of these patients, the specific suspect symptom or symptoms identified.

(Ord. 01-259.)

§ 4-707. Emergency department visits.

(a) *Duty to report.*

The reporting officer of each hospital, related institution, clinic, or other health care facility, as appointed under § 4-202 of this title, must report to the Commissioner on all emergency department visits by individuals who evidence suspect symptoms.

(b) *Contents of report.*

In addition to any other information required by rule or regulation, the report must specify for each reporting period:

(1) the aggregate number of patients subject to the report; and

(2) for each of these patients, the specific suspect symptom or symptoms identified.

(Ord. 01-259.)

§ 4-708. Medications.

(a) *Duty to report.*

The individual in charge of any public or private pharmacy must report to the Commissioner on all sales of any over-the-counter medication that the Commissioner designates by rule or regulation as being a medication used for the treatment of suspect symptoms.

(b) *Contents of report.*

In addition to any other information required by rule or regulation, the report must specify, for each medication sold during a reporting period:

(1) the type and strength of that index medication; and

(2) the aggregate number of units sold during the reporting period.

(Ord. 01-259.)

HEALTH

SUBTITLE 8
{RESERVED}

SUBTITLE 9
PENALTIES

§ 4-901. Violation a misdemeanor.

Except as otherwise specified in this title, any person who violates any provision of this title is guilty of a misdemeanor and, on conviction, is subject to the penalties provided in this subtitle.
(*Ord. 99-548; Ord. 00-020.*)

§ 4-902. Basic penalty: \$1,000 and 12 months.

Except as otherwise specified in this title, the penalty for a violation of this title is a fine of not more than \$1,000 or imprisonment for not more than 12 months or both fine and imprisonment for each offense.
(*City Code, 1976/83, art. 11, §187(b), inter alia.*) (*Ord. 99-548; Ord. 00-020; Ord. 01-259.*)

§ 4-903. Failure to vaccinate: \$500.

The penalty for a violation of § 4-503 {"Parental responsibility"} of this title is a fine of not more than \$500 for each offense.
(*City Code, 1976/83, art. 11, §204(2nd cl.).*) (*Ord. 99-548; Ord. 00-020.*)

TITLE 5
NUISANCE CONTROL

SUBTITLE 1
DEFINITIONS; GENERAL PROVISIONS

§ 5-101. Definitions.

(a) *In general.*

In this title, the following terms have the meanings indicated.
(*Ord. 99-548.*)

(b) *Nuisance.*

“Nuisance” includes any of the following, whether or not otherwise regulated by federal, state, or local law:

- (1) garbage, rubbish, or other waste, as these terms are defined in Title 7 {“Waste Control”} of this article;
- (2) vermin infestations or other unsanitary conditions;
- (3) water or other liquid leaks or spills; or
- (4) any other health or safety hazard.

(*Ord. 99-548.*)

(c) *Person in charge.*

“Person in charge”, when used with reference to any property, means all persons who own that property or who have possession, charge, care, or control of that property, whether as a personal representative, trustee, guardian, agent, or otherwise, and whether alone or jointly with any other person.

(*City Code, 1976/83, art. 11, §112(1st cl.). (Ord. 99-548.)*)

(d) *Property.*

- (1) “Property” means all forms of real and personal property and possessions,

- (2) “Property” includes lots, structures, streets, wharves, docks, and other places.

(*Ord. 99-548.*)

§ 5-102. Commissioner's duties.

The Commissioner of Health is responsible for:

(1) inspecting all property in the City, as the Commissioner considers necessary or appropriate to discover nuisances; and

(2) requiring the removal of all nuisances so discovered.

(City Code, 1976/83, art. 11, §§101, 102(1st cl.)) (Ord. 99-548.)

SUBTITLE 2
NUISANCE ABATEMENT— GENERALLY

§ 5-201. Responsibility of persons in charge.

Every person in charge of any property is obligated, jointly and severally with all other persons in charge of that property, to:

(1) remove or abate all nuisances on or originating from the property; and

(2) comply with all health- or safety-related laws that affect the property.

(City Code, 1976/83, art. 11, §112(3rd cl.)) (Ord. 99-548.)

§ 5-202. Notice to persons in charge.

Whenever the Commissioner of Health discovers a condition that the Commissioner considers to be a nuisance or potential nuisance, the Commissioner may issue a written notice to one or more of the following persons or their respective agents:

(1) the person in charge of the property on which the condition exists;

(2) the person in charge of the property from which the condition originates; and

(3) the person in charge of any property that fronts on the street in which the condition exists.

(City Code, 1976/83, art. 11, §§102(2nd cl.), 108(1st cl.(part)).) (Ord. 99-548.)

§ 5-203. Contents of notice.

A notice issued under this subtitle must:

(1) identify the property and the condition;

(2) specify the law being violated;

(3) specify the corrective action to be taken;

(4) state the time within which that action must be taken; and

(5) state that, if corrective action is not timely taken:

(i) the Commissioner may do the needed work; and

(ii) all costs and expenses will be a lien on the property.

(City Code, 1976/83, art. 11, §102(2nd cl.)) (Ord. 99-548.)

§ 5-204. Service of notice.*(a) In general.*

A notice issued under this subtitle may be served by personal service or by certified mail, return receipt requested.

(b) Posting or publication.

If the person to be served cannot be found, the Commissioner may:

(1) post the notice on the property; or

(2) publish the notice in a newspaper of general circulation in the City.

(Ord. 99-548.)

§ 5-205. Abatement by Commissioner.

If the condition is not corrected within the time specified in the notice, the Commissioner may proceed to remove or abate the condition at the expense of the person in charge of the property.
(City Code, 1976/83, art. 11, §§102(3rd cl.), 110(3rd cl.), 114.) (Ord. 99-548.)

§ 5-206. Costs and expenses.*(a) Person in charge liable.*

The person in charge is liable to the City for all costs and expenses incurred in:

(1) removing or abating the condition identified in the notice; and

(2) posting or publishing notice under § 5-204 {"Service of notice"} of this subtitle.

(b) Costs and expenses as lien.

Until paid in full, these costs and expenses are a lien on the entire property from which the condition was removed or abated.
(City Code, 1976/83, art. 11, §§102(4th cl.), 110(3rd cl.), 111.) (Ord. 99-548.)

§ 5-207 to 5-208. {Reserved}**§ 5-209. Enforcement by citation.***(a) In general.*

In addition to any other civil or criminal remedy or enforcement procedure, this subtitle may be enforced by issuance of an environmental citation as authorized by City Code Article 1, Subtitle 40 {"Environmental Control Board"}.

(b) *Process not exclusive.*

The issuance of an environmental citation to enforce this subtitle does not preclude pursuing any other civil or criminal remedy or enforcement action authorized by law.
(*Ord. 99-548.*)

§ 5-210. Penalties: \$1,000.

Any person in charge who refuses, neglects, or otherwise fails to comply with a notice issued under this subtitle is guilty of a misdemeanor and, on conviction, is subject to a fine of not more than \$1,000 for each offense.
(*City Code, 1976/83, art. 11, §102(5th cl.).*) (*Ord. 99-548.*)

SUBTITLE 3
NUISANCE ABATEMENT—DWELLINGS

§ 5-301. Definitions.

(a) *In general.*

In this subtitle, the following terms have the meanings indicated.
(*Ord. 99-548.*)

(b) *Dwelling.*

(1) “Dwelling” has the meaning stated in § 202.2 of the City Building Code.

(2) “Dwelling” includes any dwelling unit or rooming unit.
(*Ord. 99-548; Ord. 02-475.*)

(c) *Dwelling unit.*

“Dwelling unit” has the meaning stated in § 202.2 of the City Building Code.
(*City Code, 1976/83, art. 11, §105(f).*) (*Ord. 99-548.*)

(d) *Rooming unit*

“Rooming unit” has the meaning stated in § 202 of the Property Maintenance Code of Baltimore City.
(*Ord. 99-548; Ord. 02-475.*)

§ 5-302. Scope of subtitle.

This subtitle applies only to dwellings and does not in any way modify or affect the authority of the Commissioner of Health to enter and inspect any building, structure, or premises other than a dwelling.
(*City Code, 1976/83, art. 11, §105(e).*) (*Ord. 99-548.*)

§ 5-303. Enforcement of Maintenance Code.

The Commissioner may:

(1) enforce all provisions of the City Property Maintenance Code; and

(2) issue violation notices and orders under that Code to:

(i) abate, remove, or otherwise deal with nuisances and emergencies affecting the public health; and

(ii) maintain and augment public health programs, such as rodent control, lead paint poisoning prevention, environmental sanitation, and housing hygiene.

(*City Code, 1976/83, art. 11, §104(1st cl.).*) (*Ord. 99-548; Ord. 02-475.*)

§ 5-304. Right of entry.**(a) *In general.***

Whenever the Commissioner has reason to believe that a nuisance exists in any dwelling, the Commissioner has the same authority to enter and inspect that dwelling as does the Commissioner of Housing and Community Development.

(b) *Procedures.*

The entry and inspection of a dwelling must comply with the requirements of § 2-107 {"Right of entry"} of this article.

(City Code, 1976/83, art. 11, §105(a).) (Ord. 99-548.)

§ 5-305. Inspector's testimony.**(a) *"Related law" defined.***

In this section, "related law" has the meaning stated in § 104.6.2 of the City Building Code.

(b) *Limit on testimony.*

No inspector who gains entrance to a dwelling for the purpose of investigating a nuisance may obtain or furnish evidence of, or testify to, any offense other than:

(1) a violation of this article or of any related law;

(2) a felony; or

(3) a misdemeanor involving an act of violence that is committed in the inspector's presence.

(City Code, 1976/83, art. 11, §105(d)(1st sen.).) (Ord. 99-548; Ord. 02-475.)

§ 5-306. {*Repealed by Ord. 02-475.*}

SUBTITLE 4
LEAD-BASED PAINT

§ 5-401. Definitions.

(a) *In general.*

In this subtitle, the following terms have the meanings indicated.
(*Ord. 99-548.*)

(b) *Lead-based paint.*

“Lead-based paint” has the meaning stated in § 6-801(j) of the State Environment Article.
(*City Code, 1976/83, art. 11, §72(part).*) (*Ord. 99-548.*)

§ 5-402. Warning label required.

No person may possess, offer for sale, sell, or give away in the City any lead-based paint unless it bears the following or substantially equivalent warning:

“WARNING — Contains Lead. Harmful if Eaten. Do not apply on any interior surfaces of a dwelling, or of a place used for the care of children, or on window sills, toys, cribs, or other furniture.”

(*City Code, 1976/83, art. 11, §72.*) (*Ord. 99-548.*)

§ 5-403. Placement.

The warning required by this subtitle must:

- (1) appear in a conspicuous place on the paint’s immediate container;
- (2) form an integral part of the printed label on that container; and
- (3) be printed in letters that are legible and that conspicuously contrast with any other printing on the container.

(*City Code, 1976/83, art. 11, §§73, 74(2nd sen.).*) (*Ord. 99-548.*)

§ 5-404. Labels not to indicate interior use.

No label on a container of lead-based paint may indicate in any way that the product is suitable for interior surfaces of dwellings or for interior surfaces of any places used for the care of children.
(*City Code, 1976/83, art. 11, §75.*) (*Ord. 99-548.*)

§§ 5-405 to 5-406. {Reserved}

§ 5-407. Enforcement by citation.**(a) *In general.***

In addition to any other civil or criminal remedy or enforcement procedure, this subtitle may be enforced by issuance of an environmental citation as authorized by City Code Article 1, Subtitle 40 {"Environmental Control Board"}.

(b) *Process not exclusive.*

The issuance of an environmental citation to enforce this subtitle does not preclude pursuing any other civil or criminal remedy or enforcement action authorized by law.

(Ord. 99-548.)

§ 5-408. Penalties: \$1,000.

Any person who violates any provision of this subtitle is guilty of a misdemeanor and, on conviction, is subject to a fine of not more than \$1,000 for each offense.

(City Code, 1976/83, art. 11, §77.) (Ord. 99-548.)

SUBTITLE 5
BODILY WASTES

§ 5-501. Spitting in public places.

No person may spit on:

- (1) any footpath or sidewalk of any public street or public square;
- (2) the floor or anywhere else in any public building under the control of the Mayor and City Council of Baltimore;
- (3) the floor, platform, or steps of any railroad, bus, or other common carrier or of any depot or station;
- (4) the floor or steps of any theater, store, factory, or other building that is used in common by the public;

(5) the floor of any hall or office used in common by the guests of a hotel or lodging house.
(*City Code, 1976/83, art. 11, §138.*) (*Ord. 99-548.*)

§ 5-502. {Reserved}

§ 5-503. Urinating or defecating in public places — in general.

No person may urinate or defecate on or about:

- (1) any public place, way, or park; or
- (2) the mall or adjacent parking area of any shopping center.

(*City Code, 1976/83, art. 19, §171A(a)(1st cl.).*) (*Ord. 99-548.*)

§ 5-504. Urinating or defecating in public places — parents or guardians of minors.

A parent or guardian may not knowingly permit a minor for whom the parent or guardian is responsible to violate § 5-503 {“Urinating or defecating in public places — in general”} of this subtitle.

(*City Code, 1976/83, art. 19, §171A(b)(3)(i.).*) (*Ord. 99-548.*)

§§ 5-505 to 5-506. {Reserved}

§ 5-507. Minors urinating or defecating in public.

(a) *Order to stop.*

A police officer who finds any minor violating § 5-503 {“Urinating or defecating in public places — in general”} of this subtitle must order the minor to stop the violation.

(b) *Failure to comply.*

(1) If the minor fails to comply with the order, the police officer may take him or her into custody.

(2) After the information needed to carry out the purposes of this subtitle has been recorded, the minor must be:

(i) promptly released to his or her parent or guardian, with written notice to the parent or guardian of the violation; and

(ii) referred to the Baltimore City Police Department's court sanctioned pre-intake adjustment program.

(City Code, 1976/83, art. 19, §171A(b)(1), (2).) (Ord. 99-548.)

§ 5-508. {Reserved}

§ 5-509. Enforcement by citation.

(a) *In general.*

In addition to any other civil or criminal remedy or enforcement procedure, this subtitle may be enforced by issuance of:

(1) an environmental citation under City Code Article 1, Subtitle 40 {"Environmental Control Board"}; or

(2) a civil citation under City Code Article 1, Subtitle 41 {"Civil Citations"}.

(b) *Process not exclusive.*

The issuance of a citation to enforce this subtitle does not preclude pursuing any other civil or criminal remedy or enforcement action authorized by law.

(Ord. 99-548; Ord. 03-595.)

§ 5-510. Penalties.

(a) *Spitting: \$25/ \$50.*

Any person who violates any provision of § 5-501 {"Spitting in public places"} of this subtitle is guilty of a misdemeanor and, on conviction, is subject to:

(1) for a first offense, a fine of not more than \$25; and

(2) for a second and any subsequent offense, a fine of not more than \$50.

(b) *Urinating or defecating — adult offenders: \$500 and 30 days.*

Any adult who violates § 5-503 {“Urinating or defecating in public places — in general”} of this subtitle is guilty of a misdemeanor and, on conviction, is subject to a fine of not more than \$500 or to imprisonment for not more than 30 days or to both fine and imprisonment for each offense.

(c) *Urinating or defecating — parent or guardian of minor: \$200.*

Any parent or guardian who violates § 5-504 {“Urinating or defecating in public places — parents or guardians of minors”} of this subtitle within 12 months after receiving written notice of the minor’s having violated § 5-504 {“Urinating or defecating in public places — in general”} of this subtitle is guilty of a misdemeanor and, on conviction, is subject to a fine of not more than \$200 for each offense.

(City Code, 1976/83, art. 11, §140, art. 19, §171A(b)(3)(ii), (5).) (Ord. 99-548.)

SUBTITLE 6
MOSQUITOES

§ 5-601. Definitions.

(a) *In general.*

In this subtitle, the following terms have the meanings indicated.
(*Ord. 99-548.*)

(b) *Collection of water.*

(1) “Collection of water” means any collection of standing or running water.

(2) “Collection of water” includes water contained in any ditch, roof or other gutter, pond, pool, excavation, depression, fountain, tank, well, barrel, tire, urn, can, box, bottle, tub, bucket, or other similar container.

(*City Code, 1976/83, art. 11, §94.*) (*Ord. 99-548.*)

§ 5-602. Purpose of subtitle.

The purpose of this subtitle is to get rid of the discomfort, annoyance, and health hazards that are caused by mosquitoes.

(*City Code, 1976/83, art. 11, §93(1st cl.).*) (*Ord. 99-548.*)

§ 5-603. Responsibility of persons in charge.

Every person in charge of any property is obligated, jointly and severally, to comply with the requirements of this subtitle.

(*City Code, 1976/83, art. 11, §93(2nd par.(2nd cl.)).*) (*Ord. 99-548.*)

§ 5-604. Collections prohibited unless treated.

No person in charge may keep or permit to be kept any collection of water in which mosquitoes are likely to breed, unless the collection of water is treated to effectively prevent breeding.

(*City Code, 1976/83, art. 11, §93(3rd par.).*) (*Ord. 99-548.*)

§ 5-605. Methods of treatment.

The method for treating a collection of water to prevent mosquitoes from breeding must be one or more of the following:

(1) emptying all water at least once every 5 days;

(2) using a larvicide approved by and applied in accordance with the requirements of the United States Environmental Protection Agency;

- (3) cleaning and keeping the water free of vegetable growth and other obstructions and stocking with mosquito-destroying fish (the absence of half-grown or larger mosquito larvae to be evidence of having complied with this method);
- (4) filling or draining to the satisfaction of the Commissioner of Health;
- (5) removing, at least once every 5 days, all tin cans, tin boxes, broken or empty bottles, and similar articles likely to hold water;
- (6) screening with wire netting of at least 16 meshes to the inch each way;
- (7) screening with any other material that will prevent the ingress or egress of mosquitoes; or
- (8) any other method that the Commissioner approves.

(City Code, 1976/83, art. 11, §95.) (Ord. 99-548.)

§ 5-606. Prima facie evidence of breeding.

(a) *In general.*

The natural presence of mosquito larvae in standing or running water is evidence that mosquitoes are breeding there.

(b) *Required action.*

Within 5 days of notice from the Commissioner, the person in charge of the premises must act to prevent further breeding.

(City Code, 1976/83, art. 11, §96.) (Ord. 99-548.)

§ 5-607. Notice to person in charge.

Whenever the Commissioner discovers a condition that could give rise to the breeding of mosquitoes, the Commissioner must issue a written notice to the person in charge, as provided in Subtitle 2 {"Nuisance Abatement — Generally"} of this title.

(City Code, 1976/83, art. 11, §97(part).) (Ord. 99-548.)

§ 5-608. Abatement by Commissioner.

(a) *In general.*

If the condition is not corrected within 10 days of the notice, the Commissioner may proceed to correct the condition at the expense of the person in charge.

(b) *Costs and expenses.*

All costs and expenses incurred by the Commissioner are a lien on the property as provided in Subtitle 2 {"Nuisance Abatement — Generally"} of this title.

(City Code, 1976/83, art. 11, §97.) (Ord. 99-548.)

§§ 5-609 to 5-610. {Reserved}**§ 5-611. Penalties: \$500.****(a) *In general.***

Any person who refuses, neglects, or otherwise fails to comply with a notice issued under this subtitle is guilty of a misdemeanor and, on conviction, is subject to a fine of not more than \$500 for each offense.

(b) *Each day a separate offense.*

Each day that a violation continues is a separate offense.
(City Code, 1976/83, art. 11, §§98(2nd, 3rd cls.), 100.) (Ord. 99-548.)

SUBTITLE 7
WEEDS

§ 5-701. Responsibility of persons in charge.

Every person in charge of any property is obligated, jointly and severally, to comply with the requirements of this subtitle.

(Ord. 99-548.)

§ 5-702. Cutting grass, weeds, etc., required.

No person in charge of any land may allow any grass, weeds, or other rank vegetation on that land to reach a height of 8 inches or more.

(City Code, 1976/83, art. 11, §161(1st cl.).) (Ord. 99-548.)

§ 5-703. Destroying noxious weeds, etc., required.

(a) In general.

Every person in charge of any land must keep that land free from ragweeds, wild mustard, wild lettuce, wild parsley, common thistle, milkweed, poison ivy, and all other noxious weeds.

(b) Permitted methods.

The person in charge must destroy any noxious weeds on the land by:

- (1) spraying with a chemical compound approved by and applied in accordance with the requirements of the United States Environmental Protection Agency;
- (2) cutting and removal;
- (3) digging under; or
- (4) any other method that the Commissioner approves.

(City Code, 1976/83, art. 11, §161(2nd cl.).) (Ord. 99-548.)

§ 5-704. Notice to person in charge.

Whenever the Commissioner of Health discovers a violation of this subtitle, the Commissioner may issue a written notice to the person in charge, as provided in Subtitle 2 {“Nuisance Abatement — Generally”} of this title.

(City Code, 1976/83, art. 11, §§162(1st sen.), 163.) (Ord. 99-548.)

§ 5-705. Abatement by Public Works.*(a) In general.*

(1) If the condition is not corrected within 10 days of the notice, the Commissioner may notify the Director of Public Works, who must proceed to correct the condition at the expense of the person in charge.

(2) Grass, weeds, and other rank vegetation must be cut to a height of not more than 3 inches.

(b) Costs and expenses.

All costs and expenses incurred by the Director of Public Works are a lien on the property as provided in Subtitle 2 {"Nuisance Abatement — Generally"} of this title.
(City Code, 1976/83, art. 11, §162(2nd sen.)) (Ord. 99-548.)

§§ 5-706 to 5-707. {Reserved}**§ 5-708. Enforcement by citation.***(a) In general.*

In addition to any other civil or criminal remedy or enforcement procedure, this subtitle may be enforced by issuance of an environmental citation as authorized by City Code Article 1, Subtitle 40 {"Environmental Control Board"}.

(b) Process not exclusive.

The issuance of an environmental citation to enforce this subtitle does not preclude pursuing any other civil or criminal remedy or enforcement action authorized by law.
(Ord. 99-548.)

§ 5-709. Penalties.*(a) In general.*

Any person who violates any provision of this subtitle is guilty of a misdemeanor and, on conviction, is subject to the penalties specified in this section.

(b) Basic penalty: \$500.

Except as specified in subsection (c) of this section, the penalty for a violation is a fine of not more than \$500 for each offense.

(c) *Violation after notice: \$1,000.*

For a person who receives a notice under §5-704 {"Notice to person in charge"} of this subtitle and fails to comply with that notice, the penalty is a fine of not more than \$1,000 for each offense.

(City Code, 1976/83, art. 11, §161(2nd par.).) (Ord. 99-548.)

SUBTITLE 8
{RESERVED}

SUBTITLE 9
MISCELLANEOUS REQUIREMENTS

§ 5-901. Cleaning sidewalks and gutters.

The person in charge of any premises or lot must keep the sidewalk and gutters bounding on the premises or lot open and free from waste or obstructions and clean at all times.
(*City Code, 1976/83, art. 11, §118, art. 19, §175.*) (*Ord. 99-548.*)

§ 5-902. Keeping offensive materials on property.

(a) *In general.*

No person may use or keep on that person's property any liquid or solid matter that is or that, after exposure to the atmosphere or otherwise, is likely to become offensive or otherwise a nuisance.

(b) *Illustrations.*

This section applies to, among other things, any:

- (1) blood;
- (2) refuse coal oil;
- (3) dead animal or part of an animal;
- (4) domestic or sanitary sewage;
- (5) excrement;
- (6) filth;
- (7) foul or nauseous liquid;
- (8) garbage;
- (9) slaughter house or other trade cleanings;
- (10) stagnant water; or

(11) other offensive matter of any kind.

(*City Code, 1976/83, art. 11, §§119, 120, 123, 125.*) (*Ord. 99-548.*)

§ 5-903. Livestock.

Every person who keeps a cow, horse, or other livestock in the City must keep the animal and its stable or other housing in such a way that no filth or stench becomes offensive to or annoys any neighbor or other person.

(City Code, 1976/83, art. 11, §122.) (Ord. 99-548.)

§ 5-904. Deposit on streets, etc. prohibited.

No person may place or cause or allow to be placed on any street any noxious or objectionable matter that from its acid content or otherwise might be injurious or harmful to any person or to the clothing, household furnishings, or personal effects of any person.

(City Code, 1976/83, art. 11, §121(1st sen.)) (Ord. 99-548.)

§ 5-905. Plastic bags.

(a) *“Plastic bag” defined.*

“Plastic bag” means any bag that is:

- (1) intended for household use or for packaging garments or other articles intended for household use;
- (2) larger than 6 inches in diameter at the open end; and
- (3) made of film less than 1 mil (0.001 inch) thick.

(b) *Printed warning required.*

No person may package, deliver, or sell in a plastic bag any article for use in or around the household or sell or distribute any plastic bag for use in or around the household unless the bag bears a warning as required by this section.

(c) *Text of warning.*

The warning must warn the consumer against the hazard of suffocation by children in the following or substantially equivalent wording:

“WARNING: To avoid danger of suffocation, keep away from babies and children. Do not use in cribs, beds, carriages, or playpens. This bag is not a toy.”

(d) *Placement and size.*

- (1) The warning must be printed on, attached to, or accompany each plastic bag or each package of plastic bags delivered to the consumer.
- (2) The warning must be prominently and conspicuously displayed in bold face type, in accordance with the following table:

<i>Combined length and width of bag</i>	<i>Minimum Size of Lettering</i>
Less than 30 inches	10 points
30 inches or more, but less than 40 inches	14 points
40 inches or more, but less than 60 inches	18 points
60 inches or more	24 points

(City Code, 1976/83, art. 19, §118.) (Ord. 99-548.)

§ 5-906. Abandoned refrigerators, etc.

No person may place or permit anyone else to place in any location that is outside of a dwelling or other building and accessible to children any abandoned, unattended, or uncrated ice box, refrigerator, or freezer cabinet equipped with a door or lock that cannot be opened from the inside. (City Code, 1976/83, art. 19, §33(1st sen.)) (Ord. 99-548.)

§§ 5-907 to 5-909. {Reserved}

§ 5-910. Penalties.

(a) In general.

Any person who violates any provision of this subtitle is guilty of a misdemeanor and, on conviction, is subject to the penalties specified in this section.

(b) Basic penalty: \$500.

Except as otherwise specified in this section, the penalty for a violation is a fine of not more than \$500 for each offense.

(c) Violation after notice: \$1,000.

For a person who receives a notice under Subtitle 2 of this title to correct a violation of any provision of this subtitle and fails to comply with that notice, the penalty is a fine of not more than \$1,000 for each offense.

(d) Abandoned refrigerators: \$500 and 30 days.

(1) For a person who violates any provision of § 5-906 {“Abandoned refrigerators, etc.”} of this subtitle, the penalty is a fine of not more than \$500 or imprisonment for not more than 30 days or both fine and imprisonment for each offense.

(2) Each day that a violation of § 5-906 continues is a separate offense. (City Code, 1976/83, art. 19, §33(2nd, 3rd sens.)) (Ord. 99-548.)

TITLE 6
FOOD SERVICE FACILITIES

SUBTITLE 1
DEFINITIONS; GENERAL PROVISIONS

§ 6-101. Definitions.

(a) *In general.*

In this title, the following terms have the meanings indicated.
(*City Code, 1976/83, art. 11, §165(a)(intro.) (Ord. 99-548.)*)

(b) *Food.*

(1) *In general.*

“Food” means any natural or artificial substance or ingredient, whether raw, cooked, or processed, that is used or sold or intended for use or sale, in whole or in part, for human consumption.

(2) *Inclusions.*

“Food” includes:

(i) ice;

(ii) beverages; and

(iii) chewing gum or any substance used as a component of chewing gum.

(3) *Exclusions.*

“Food” does not include any:

(i) alcoholic beverage, as defined in State Code Article 2B, § 1-102(a)(2); or

(ii) drug, as defined in § 21-101(g) of the State Health-General Article.
(*City Code, 1976/83, art. 11, §§64(1st, 2nd cls.), 165(a)1.) (Ord. 99-548.)*)

(c) *Food service facility.*

(1) *In general.*

“Food service facility” means any place in which, with or without charge:

(i) food is prepared for sale or service on the premises or elsewhere; or

(ii) food is manufactured, processed, stored, packaged, handled, distributed, or sold.

(2) *Exclusions.*

“Food service facility” does not include any private residence in which food is prepared for consumption, without charge, by residents and their guests.

(*City Code, 1976/83, art. 11, §165(a)2.*) (*Ord. 99-548.*)

(d) *Food service manager.*

“Food service manager” means an individual designated by a food service facility to exercise operational supervision of the facility.

(*City Code, 1976/83, art. 11, §165(a)2b.*) (*Ord. 99-548.*)

(e) *License.*

“License” means a license issued under this title to operate a food service facility.

(*City Code, 1976/83, art. 11, §165(a)3.*) (*Ord. 99-548.*)

(f) *Person.*

“Person” includes, except as used in § 6-802 {“Penalties”} of this title, a governmental entity or an instrumentality or unit of a governmental entity.

(*City Code, 1976/83, art. 11, §165(a)4.*) (*Ord. 99-548.*)

§ 6-102. Commissioner’s duties.

The Commissioner of Health is responsible for:

(1) inspecting and regulating the preparation, manufacture, processing, storage, packaging, handling, distribution, and sale of milk, meat, fruits, vegetables, fish, and other food;

(2) obtaining food samples and testing their qualities by chemical or microscopical examination; and

(3) generally enforcing this title and any applicable State regulations.

(*City Code, 1976/83, art. 11, §61(1st sen.)*) (*Ord. 99-548.*)

§ 6-103. Rules and regulations.

In the rules and regulations adopted under § 2-106 {“Rules and regulations”} of this article, the Commissioner may include provisions, consistent with this title and State law, that govern the construction, design, operation, and maintenance of food service facilities.

(*City Code, 1976/83, art. 11, §61(2nd sen.)*) (*Ord. 99-548.*)

§ 6-104. Inspections; samples.**(a) *Inspections.***

The Commissioner, all other officers of the Department, and any inspector or police officer authorized by the Commissioner may, at all reasonable hours, enter, have full access to, and inspect:

- (1) any structure, premises, or vehicle in which food is or is believed to be prepared, manufactured, processed, stored, packaged, handled, or distributed; and
- (2) any railroad car, truck, wagon, or other vehicle that is or is believed to be used for the conveyance or delivery of food.

(b) *Samples.*

During any inspection, the Commissioner, officer, inspector, or police officer may take food samples of up to 1 pound of each item for inspection, testing, or analysis.

(City Code, 1976/83, art. 11, §§63, 165(j).) (Ord. 99-548.)

§ 6-105. Confiscation of food.**(a) *In general.***

The Commissioner may condemn, confiscate, and either destroy or denature any food that:

- (1) fails to comply with any requirement of this title; or
- (2) is possessed by any person who is violating any provision of this title.

(b) *Prohibited conduct.*

No person may hide, remove, or assist in hiding or removing any food that has been condemned by the Commissioner.

(c) *Scope of section.*

Nothing in this section imposes on the Commissioner the duty or expense of confiscating any food condemned by the Commissioner.

(City Code, 1976/83, art. 11, §§60, 65(2nd cl.).) (Ord. 99-548.)

SUBTITLE 2
LICENSE REQUIRED

§ 6-201. In general.

No person may operate a food service facility without a license to do so from the Commissioner of Health.

(City Code, 1976/83, art. 11, §165(b)(1)(1st sen.).) (Ord. 99-548.)

§ 6-202. Applications.

(a) *In general.*

An applicant for a license must:

- (1) submit an application on the form that the Commissioner provides; and
- (2) pay the applicable processing fees.

(b) *Contents.*

In addition to any other information that the Commissioner requires, the application must contain building and installation plans and specifications.

(City Code, 1976/83, art. 11, §165(c)(1st, 2nd, 4th(part) sens.).) (Ord. 99-548.)

§ 6-203. Inspection and priority assessment of facility.

(a) *Inspection.*

On receipt of an application, the Commissioner must inspect the food service facility to determine compliance with all applicable laws, rules, and regulations.

(b) *Priority assessment.*

To determine the degree of risk that a food service facility poses for a food-borne disease occurrence, the Commissioner must assess each food service facility and classify it in one of the following priority assessment categories, as defined in COMAR 10.15.03.17:

- (1) high priority facilities, which are at high risk for a food-borne disease occurrence;
- (2) moderate priority facilities, which are at moderate risk for a food-borne disease occurrence; and

- (3) low priority facilities, which are at low risk for a food-borne disease occurrence.

(City Code, 1976/83, art. 11, §165(a)5, (c)(3rd sen.).) (Ord. 99-548.)

§ 6-204. Issuance of license.

The Commissioner must issue a license to the applicant if:

(1) the requirements of all applicable laws, rules, and regulations have been met; and

(2) the applicant pays the applicable annual fee.

(City Code, 1976/83, art. 11, §165(c)(4th sen.).) (Ord. 99-548.)

§ 6-205. Scope of license.

(a) *In general.*

While a license is in effect, it authorizes the operation of the food service facility in accordance with the approved plans and specifications.

(b) *License not transferable.*

A license may not be transferred from place to place or person to person.

(City Code, 1976/83, art. 11, §165(b)(1)(2nd sen.(last cl.)).) (Ord. 99-548.)

§ 6-206. Material alterations.

(a) *Permit required.*

No person may materially alter a food service facility (e.g., install new or additional equipment, make structural changes, or change the type of operation) without a permit to do so from the Commissioner.

(b) *Application.*

The application for a permit under this section must be:

(1) submitted on the form that the Commissioner provides;

(2) contain the information that the Commissioner requires; and

(3) be accompanied by the applicable permit fee.

(City Code, 1976/83, art. 11, §165(c)(parts).) (Ord. 99-548.)

§ 6-207. Term and renewal of license.

(a) *Term of license.*

Unless sooner suspended or revoked, a license expires on the 1st anniversary of its effective date.

(b) *Application for renewal.*

Before a license expires, the licensee periodically may renew it for an additional 1-year term, if the license holder:

(1) otherwise is entitled to a license;

(2) submits a renewal application to the Commissioner, on the form that the Commissioner provides; and

(3) pays the applicable annual fee.

(City Code, 1976/83, art. 11, §165(b)(1)(2nd sen.(1st cl.)), (d)(5)(part).) (Ord. 99-548.)

SUBTITLE 3
FOOD SERVICE MANAGERS

§ 6-301. Certain facilities to employ manager.

Each high priority or moderate priority food service facility must employ a food service manager.
(*City Code, 1976/83, art. 11, §165(a)2b(part).*) (*Ord. 99-548.*)

§ 6-302. Managers to be certified.

A food service manager who is employed by a high priority or moderate priority food service facility must, within 90 days of becoming employed by the facility, be certified by the Commissioner of Health in accordance with this subtitle.
(*City Code, 1976/83, art. 11, §165(b)(2), (b-1)(1).*) (*Ord. 99-548.*)

§ 6-303. Certification requirements.

(a) *Commissioner to adopt.*

The Commissioner must adopt rules and regulations for:

- (1) the certification and recertification of food service managers; and
- (2) the denial, suspension, and revocation of certifications.

(b) *Required provisions.*

These rules and regulations must include:

- (1) minimum requirements for instruction and examination in food-borne disease prevention, sanitation, hygiene, and food service management; and
- (2) reciprocity provisions for certifications granted by a political subdivision of this State that has established a food service manager certification program approved by the Commissioner.

(*City Code, 1976/83, art. 11, §165(b-1)(2), (3).*) (*Ord. 99-548.*)

§ 6-304. Issuance to individuals only.

A food service manager certificate may only be issued in the name of an individual.
(*City Code, 1976/83, art. 11, §165(b-1)(6)(1st cl.).*) (*Ord. 99-548.*)

§ 6-305. Term.

Unless sooner suspended or revoked, a food service manager certificate expires on the 3rd anniversary of its effective date.
(*City Code, 1976/83, art. 11, §165(b-1)(6)(2nd cl.).*) (*Ord. 99-548.*)

§ 6-306. Instructors to be certified.

Instructors of food service managers must be certified in the same manner as food service managers.
(City Code, 1976/83, art. 11, §165(b-1)(4).) (Ord. 99-548.)

SUBTITLE 4
FEES

§ 6-401. Definitions.

(a) *In general.*

In this subtitle, the following terms have the meanings indicated.
(*City Code, 1976/83, art. 11, §165(a)(intro.). (Ord. 99-548.)*)

(b) *Temporary facility.*

“Temporary facility” means a food service facility that operates:

(1) in connection with a fair, carnival, festival, block party, or similar gathering; and

(2) for no more than 14 consecutive days at a fixed location.

(*City Code, 1976/83, art. 11, §165(a)6. (Ord. 99-548.)*)

(c) *Vending machine.*

(1) “Vending machine” means any self-service device that:

(i) on insertion of a coin, paper currency, token, card, or key or by other similar means, dispenses unit servings of food; and

(ii) does not need to be replenished between each vending operation.

(2) “Vending machine” includes a device described in paragraph (1) of this subsection even if it has an optional manual operation.

(*City Code, 1976/83, art. 11, §165(a)7. (Ord. 99-548.)*)

(d) *Wholesaler.*

“Wholesaler” means a food service facility that, whether as a broker, commission merchant, jobber, packers’ agent, itinerant vendor, or otherwise:

(1) sells food to other food service facilities, including hotels, restaurants, institutions, commissaries, and manufacturers;

(2) supplies branch or chain establishments from a central depot or store; or

(3) holds or stores food as a bailee.

(*City Code, 1976/83, art. 11, §165(a)2a, 12. (Ord. 99-548.)*)

§ 6-402. Processing fees.*(a) Application fee.*

When applying for a license to operate a food service facility or applying for a permit to undertake material alterations, the applicant must pay an application fee of \$150 to help defray the cost of processing the plans and specifications and of undertaking an initial inspection.

(b) Reinspection fee.

The applicant must pay an additional fee of \$50 for each reinspection needed before the license or permit can be approved.

(City Code, 1976/83, art. 11, §165(d)(4).) (Ord. 99-548.)

§ 6-403. Annual license fees.

Except as specified in § 6-404 {"Reduced fee for certain tax exempt entities"} and § 6-405 {"Waived fee for certain day care centers"} of this subtitle, the following annual license fee is imposed for each location of a food service facility:

(1) Wholesalers	\$ 500
(2) Caterers	550
(3) High priority facilities	450
(4) Moderate priority facilities	350
(5) Low priority facilities	185
(6) Temporary facilities	50
(7) Vending machines	10

(City Code, 1976/83, art. 11, §165(a)12(2nd sen.), (d)(1).) (Ord. 99-548; Ord. 00-033.)

§ 6-404. Reduced fee for certain tax exempt entities.*(a) Scope of section.*

This section applies to an entity described in subsection (b) of this section only as long as that entity maintains tax exempt status under § 501(c)(3) of the Internal Revenue Code.

(b) Commissioner to set fees.

For the following tax exempt entities, the annual license fee is as set from time to time by the Commissioner, with the approval of the Board of Estimates, but not to exceed \$50:

- (1) any charitable food facility that provide meals to low-income individuals for no charge, such as soup kitchens, soup pantries, or shelter homes;

(2) any youth organization whose membership is composed of minors and that operates temporary facilities for the purpose of raising funds to support the organization; and

(3) any child group day care center that is licensed to provide care and supervision to school age and preschool age children.

(City Code, 1976/83, art. 11, §165(a)8 - 11, (d)(2).) (Ord. 99-548.)

§ 6-405. Waived fee for certain day care centers.

As long as the Maryland Department of Human Resources continues to contract with the City Department of Health for 2 or more environmental sanitarians to inspect and monitor child group day care centers in the City, the annual license fee for those centers is waived.

(City Code, 1976/83, art. 11, §165(d)(3).) (Ord. 99-548.)

§ 6-406. Late fees.

Any licensee who is required to pay a license *{fee}* and who fails to renew the license within 5 days of its expiration must pay an additional fee of \$25 for each day after the expiration date that the license remains unrenewed.

(City Code, 1976/83, art. 11, §165(d)(5).) (Ord. 99-548; Ord. 00-033.)

§ 6-407. Manager certification fees.

Fees imposed for certification of food service managers are as set by the Commissioner.

(City Code, 1976/83, art. 11, §165(b-1)(5).) (Ord. 99-548.)

§ 6-408. Use of fee proceeds.

(a) *In general.*

(1) The Commissioner must promptly account for and pay to the Director of Finance all fees received under this subtitle.

(2) The Director of Finance must credit these fees to a special fund entitled “Food Service Facilities”, to be used:

- (i) to cover the cost of licensing, inspecting, and regulating food service facilities; and
- (ii) to help defray the cost of environmental health inspection programs that affect food service facilities.

(b) *Accounting to Council.*

The Director of Finance must submit a quarterly accounting of this fund to the Chair of the Budget and Appropriations Committee of the City Council.

(City Code, 1976/83, art. 11, §165(d)(6), (7).) (Ord. 99-548.)

SUBTITLE 5
MISCELLANEOUS REGULATIONS

§ 6-501. Definitions.

(a) *In general.*

In this subtitle, the following terms have the meanings indicated.
(*Ord. 99-548.*)

(b) *Adulterated food.*

“Adulterated food” means any food that:

- (1) has been prepared, manufactured, processed, stored, packaged, handled, distributed, or sold under insanitary conditions that reasonably could be expected to have contaminated it;
- (2) is considered to be adulterated within the meaning of the Maryland Food, Drug, and Cosmetic Act; or

(3) otherwise violates the requirements of the Maryland Food, Drug, and Cosmetic Act.
(*City Code, 1976/83, art. 11, §64(part).*) (*Ord. 99-548.*)

(c) *Unwholesome food.*

“Unwholesome food” means any food that:

- (1) has absorbed or mixed with deleterious gases, liquids, or solids;
- (2) is decomposed, rotten, tainted, or otherwise impure; or
- (3) is otherwise in any way:

(i) deleterious to health;

(ii) liable to introduce, cause, or increase sickness; or

(iii) liable to impair or upset functions of the human body.

(*City Code, 1976/83, art. 11, §64(part).*) (*Ord. 99-548.*)

§ 6-502. Compliance with health laws required.

Each food service facility must comply with all applicable health laws, rules, and regulations of the federal government, the State of Maryland, and the City of Baltimore.
(*City Code, 1976/83, art. 11, §165(e).*) (*Ord. 99-548.*)

§ 6-503. Disguising adulterated, etc., food prohibited.

No food service facility may use any acid, drug, chemical, coloring, or other substance to disguise any adulterated or unwholesome food.

(City Code, 1976/83, art. 11, §§58(1st sen.), 59(last cl.)) (Ord. 99-548.)

§ 6-504. Possession, etc., of adulterated, etc., food prohibited.

No food service facility may sell, offer for sale, transport, or have on its premises, in any vehicle, or on the premises of any other person any adulterated or unwholesome food.

(City Code, 1976/83, art. 11, §59(last cl.)) (Ord. 99-548.)

§ 6-505. Frozen food regulations.

(a) *Definitions.*

(1) *In general.*

In this section, the following terms have the meanings indicated.

(2) *Defrost.*

“Defrost” means to allow any frozen food to thaw so that it is not readily recognizable as frozen food.

(3) *Frozen food.*

“Frozen food” means any food that has been kept at or below 0° F.

(b) *Representing defrosted food as fresh prohibited.*

No food service facility may represent or advertise as fresh any frozen food that has been allowed to defrost.

(c) *Selling certain defrosted food prohibited.*

No food service facility may sell or offer for sale any food designed to be sold frozen (such as “TV dinners”, packaged fruits, and frozen desserts) if it has been allowed to defrost.

(d) *Certain defrosted food to be labeled.*

No food service facility may sell or offer for sale any meat, fish, seafood, or poultry that, in whole or in part, has been frozen and then allowed to defrost unless a notice stating “this product has been frozen and thawed” is:

(1) conspicuously displayed on a sign; and

(2) attached to each package or item of meat, fish, seafood, or poultry.

(City Code, 1976/83, art. 11, §67.) (Ord. 99-548; Ord. 04-672.)

§ 6-505.1. Dated food products.*(a) Definitions.**(1) In general.*

In this section, the following terms have the meanings indicated.

(2) Dated food.

“Dated food” means any food that contains an expiration date on its label or packaging.

(3) Expiration date.

“Expiration date” means:

- (1) any date designated as an “expires on” date, “sell by” date, “pull by” date, “use by” date, or “best if used by” date; or
- (2) any similar time guide for the sale or use of a food product by food service facilities or consumers.

(b) Notice after expiration date.

- (1) No food service facility may sell or offer for sale any dated food after its expiration date unless that food is:

- (i) segregated from its non-expired food counterpart; and
- (ii) accompanied by a conspicuous notice that states: “This Food is Being Sold Past Its Expiration Date”.

- (2) The notice required by this subsection must be:

- (i) on a sign at least 11" by 14"; and
- (ii) printed in letters at least 1" high.

(c) Perishable, etc., foods.

Nothing in this section authorizes:

- (1) the sale of any perishable food, such as milk, cheese, meat, eggs, and baby food, past its expiration date; or
- (2) the sale or possession of any adulterated or unwholesome food.

(d) *Altering, etc., expiration date.*

No food service facility may alter, remove, cover, disguise, or otherwise obscure the expiration date of any dated food.

(Ord. 02-438.)

§ 6-506. Litter and rubbish prohibited.

(a) *In general.*

Each food service facility must keep its entire premises, including all abutting sidewalks, alleys, footpaths, gutters, and other public rights-of-way, free of litter and rubbish.

(b) *Complaints; hearing.*

(1) If, during any license year, the Commissioner receives 10 or more complaints of the facility's having violated this section, the Commissioner must conduct a hearing under Subtitle 6 {"Suspensions and Revocations"} of this title to determine if the license should be suspended, its renewal denied, or other penalties imposed.

(2) For purposes of this subsection, the Commissioner may accept a complaint only if it:

- (i) is in writing;
- (ii) is made by an adult;
- (iii) includes the complainant's name and address; and
- (iv) is submitted independently of any other person's complaint about the facility.

(c) *Litterer remains subject to prosecution.*

Nothing in this section precludes the imposition of penalties under any other law that governs the disposition of litter, trash, garbage, or other waste.

(City Code, 1976/83, art. 11, §165A.) (Ord. 99-548.)

SUBTITLE 6
SUSPENSIONS AND REVOCATIONS

§ 6-601. Notice of violation or hazard.

(a) *In general.*

Whenever the Commissioner finds that any food service facility is in violation of any provision of this title or is in an unsanitary or other condition that, in the Commissioner's judgment, constitutes a hazard to the public health, the Commissioner may issue a violation notice to the facility.

(b) *Contents.*

The violation notice must:

(1) cite the violation or condition;

(2) specify the corrective action to be taken and the time within which that action must be taken; and

(4) state that a hearing will be provided to the facility, if one is requested under Title 2, Subtitle 3 {"Administrative Hearings"} of this article.

(City Code, 1976/83, art. 11, §165(f)(1), (f)(2)(part).) (Ord. 99-548.)

§ 6-602. Suspension on failure to correct.

(a) *Order of suspension.*

If a food service facility fails to comply with the violation notice within the time prescribed, the Commissioner may then issue an order of suspension to the facility.

(b) *Contents.*

An order issued under this section may:

(1) immediately suspend the facility's license; and

(2) order all food service facility operations to be discontinued immediately.

(City Code, 1976/83, art. 11, §165(f)(2).) (Ord. 99-548.)

§ 6-603. Suspension without notice.

(a) *Order of violation and suspension.*

If the Commissioner considers it necessary in the interest of public health, the Commissioner may issue an order of immediate suspension to the facility without having first issued a violation notice under § 6-601 {"Notice of violation or hazard"} of this subtitle.

(b) *Contents.*

An order issued under this section:

- (1) must cite the violation or condition;
- (2) must specify the corrective action to be taken and the time within which that action must be taken; and
- (3) may order all food service facility operations to be discontinued immediately.

(c) *Opportunity for hearing.*

The notice must also state that a hearing will be provided to the facility under Title 2, Subtitle 3 {"Administrative Hearings"} of this article, if one is requested.
(City Code, 1976/83, art. 11, §165(f)(3).) (Ord. 99-548.)

§ 6-604. Reinstatement of suspended licenses.

(a) *Application for reinstatement.*

- (1) Any food service facility may apply to the Commissioner for reinstatement of a suspended license.
- (2) In addition to any other information that the Commissioner requires, the application must include a signed statement by the applicant that, in the applicant's opinion, the violation or condition that caused the suspension has been corrected.

(b) *Reinspection.*

Within 10 days of receiving the application and the reinspection fee specified in subsection (d) of this section, the Commissioner must reinspect the facility.

(c) *Required reinstatement.*

If, on reinspection, the facility is found to comply with all requirements of this title, the license must be reinstated.

(d) *Reinspection fees.*

- (1) The fee for a reinspection performed during regular working hours is \$100.
- (2) The fee for a reinspection performed during weekend or evening hours is \$300.
(City Code, 1976/83, art. 11, §165(g)(3rd par.).) (Ord. 99-548.)

§ 6-605. Revocation of licenses.*(a) Grounds.*

The Commissioner may revoke the license of a food service facility if that facility:

- (1) commits more than one violation of this title; or
- (2) interferes with the performance of the Commissioner's duties.

(b) Notice and opportunity for hearing.

Before revoking a license, the Commissioner must provide the facility with notice and opportunity for hearing, as provided in Title 2, Subtitle 3 {"Administrative Hearings"} of this article.

(City Code, 1976/83, art. 11, §165(h).) (Ord. 99-548.)

§ 6-606. Notice of suspensions.*(a) Posting of premises.*

- (1) A food facility or other establishment that has had its license suspended for longer than 24 hours must post a public notice throughout the suspension period stating the reason for the suspension.
- (2) The notice must be in the form and tenor that the Commissioner specifies.

(b) Published listings.

- (1) At least monthly, the Commissioner must publish a list of food facilities and other establishments that, during the preceding calendar month, have had their licenses suspended or revoked or that have been closed for health code violations.
- (2) The listing must specify:
 - (1) the name (including trade name) and address of the establishment;
 - (2) the effective date and term of the revocation, suspension, or closing; and
 - (iii) the reasons for the revocation, suspension, or closing.
- (3) The listing must be published by:
 - (1) posting on the Department's website; and
 - (2) distribution to the neighborhood association(s) on record with the Department of Housing and Community Development for the area(s) served by the establishment.

(City Code, 1976/83, art. 11, §61(3).) (Ord. 99-391; Ord. 02-439.)

SUBTITLE 7
{RESERVED}

SUBTITLE 8
PENALTIES

§ 6-801. Enforcement by citation.

(a) *In general.*

In addition to any other civil or criminal remedy or enforcement procedure, this title may be enforced by issuance of an environmental citation as authorized by City Code Article 1, Subtitle 40 {"Environmental Control Board"}.

(b) *Process not exclusive.*

The issuance of an environmental citation to enforce this title does not preclude pursuing any other civil or criminal remedy or enforcement action authorized by law.

(Ord. 99-548.)

§ 6-802. Penalties.

(a) *In general.*

Any person who violates any provision of this title or of a rule or regulation adopted under this title is guilty of a misdemeanor and, on conviction, is subject to the penalties specified in this section.

(b) *Basic penalty: \$1,000.*

Except as specified in subsection (c) of this section, the penalty for a violation is a fine of not more than \$1,000 for each offense.

(c) *Operating without or in violation of license: \$1,000 and 12 months.*

(1) For operating a food service facility without a license or in violation of the terms of a license, the penalty is a fine of not more than \$1,000 or imprisonment for not more than 12 months or both fine and imprisonment for each offense.

(2) Each day that a violation continues is a separate offense.

(Ord. 99-548.)

**TITLE 7
WASTE CONTROL**

***SUBTITLE 1
DEFINITIONS; GENERAL PROVISIONS***

§ 7-101. Definitions.

(a) *In general.*

In this subtitle, the following terms have the meanings indicated.
(*Ord. 99-548.*)

(b) *Dispose.*

“Dispose” includes abandon, deposit, discard, discharge, dump, junk, leave, place, scrap, or throw.
(*City Code, 1976/83, art. 11, §264(b)(2).*) (*Ord. 99-548.*)

(c) *Garbage.*

“Garbage” means waste that results from the distribution, preparation, or serving of food.
(*City Code, 1976/83, art. 11, §221(c).*) (*Ord. 99-548.*)

(d) *Hauler.*

(1) *In general.*

“Hauler” means any person who:

- (i) contracts with others for the collection, transportation, or disposal of solid waste; or
- (ii) except as specified in paragraph (3) of this subsection, engages in the collection, transportation, or disposal of solid waste generated by that person him-, her-, or itself.

(2) *Inclusions.*

“Hauler” includes a person described in paragraph (1) of this subsection even if that person is operating under a demolition permit issued by the City.

(3) *Exclusions.*

“Hauler” does not include any person who occupies residential property and collects, transports, or disposes of solid waste generated by the residential use of that property.
(*City Code, 1976/83, art. 11, §§266(c)(parts), 267(a).*) (*Ord. 99-548.*)

(e) *Land clearance debris.*

“Land clearance debris” means any trees, other vegetation, or their roots that result from land clearance for streets, parks, playgrounds, construction projects, or other similar projects.
(City Code, 1976/83, art. 11, §221(d).) (Ord. 99-548.)

(f) *Landfill.*

“Landfill” means any private or public property where waste is disposed of by placement on or burial in the ground.
(Ord. 99-548.)

(g) *Rock.*

“Rock” means rock, stones, or boulders that result from land clearance, grading, and the preparation of construction sites and similar projects.
(City Code, 1976/83, art. 11, §221(e).) (Ord. 99-548.)

(h) *Rubbish.*

“Rubbish” includes paper, rags, ashes, leaves, tree branches, yard trimmings, furniture, appliances, cans, glass, crockery, junk vehicles, tires, automotive parts, paints, and oils.
(City Code, 1976/83, art. 11, §221(g).) (Ord. 99-548.)

(i) *Rubble.*

(1) *In general.*

“Rubble” means any waste that results from the demolition of buildings, structures, or streets.

(2) *Inclusions.*

“Rubble” includes masonry, concrete, asphalt, wood, plaster, paper, glass, metal, roof materials, or other materials used in the construction of buildings, structures, or streets.
(City Code, 1976/83, art. 11, §221(b), (f).) (Ord. 99-548.)

(j) *Solid waste.*

“Solid waste” means all waste that is neither gaseous nor liquid.
(City Code, 1976/83, art. 11, §266(b)(1st sen.).) (Ord. 99-548.)

(k) *Trade waste.*

(1) *In general.*

“Trade waste” means waste that results from construction or from any other business, commercial, or industrial operation.

(2) *Inclusions.*

“Trade waste” includes plastics, cartons, chemicals, paints, greases, oils, and other petroleum products, sawdust, and dead animals.

(*City Code, 1976/83, art. 11, §221(h).*) (*Ord. 99-548.*)

(1) *Waste.*

(1) *Defined inclusions.*

“Waste” includes any of the following material, as defined in this section, whether putrescible or nonputrescible:

- (i) garbage;
- (ii) land clearance debris;
- (iii) rock;
- (iv) rubbish;
- (v) rubble; and
- (vi) trade waste.

(2) *Additional inclusions.*

“Waste” also includes any of the following material, whether putrescible or nonputrescible:

- (i) asbestos;
- (ii) ashes;
- (iii) dead animals;
- (iv) hazardous waste;
- (v) incinerator residue;
- (vi) medical waste;
- (vii) refuse;
- (viii) street cleanings;
- (ix) trash; and

(x) wastewater treatment residue.

(*City Code, 1976/83, art. 11, §§221(a)(1st cl.), 266(b)(2nd sen.), art. 23, §22(a)(7).*) (*Ord. 99-548.*)

§ 7-102. Findings and declaration of public policy.**(a) Findings.**

The Mayor and City Council finds that:

- (1) the dumping of waste and other material is a sickening blight on the streets, sidewalks, parks, open spaces, and waters of the City;
- (2) as the available amount of landfill space decreases, incidents of dumping have increased, most notoriously (though not exclusively) by those involved in the construction business; and
- (3) this dumping of waste, as well as its collection and transportation, is a serious threat to the environment and the health, welfare, safety, peace, and comfort of the City's inhabitants.

(b) Policy.

The Mayor and City Council declares as a matter of policy that, to eliminate these hazards, it is necessary to:

- (1) strictly regulate the collection, transportation, and disposal of all waste in the City;
- (2) expand the prohibitions against illegal dumping; and
- (3) increase the penalties for violations.

(c) Commissioner to regulate.

Because of the serious health and environmental consequences, the Commissioner of Health is granted jurisdiction over the collection, transportation, and disposition of waste by commercial haulers and other persons in the City.

(City Code, 1976/83, art. 11, §§135(a), 220(parts), 264(a).) (Ord. 99-548.)

§ 7-103. Rules and regulations.

In the rules and regulations adopted under § 2-106 {"Rules and regulations"} of this article, the Commissioner may include provisions, consistent with this title and State law, that govern:

- (1) the storage facilities, vehicles, equipment, and operations of all persons transporting waste; and

(2) the construction, design, operation, maintenance, and completion of landfills in the City.
(City Code, 1976/83, art. 11, §§220(b)(last cl.), 223(b), 267(d)(part), 270(a)(part).) (Ord. 99-548.)

SUBTITLE 2
SOLID WASTE COLLECTION

PART I. DEFINITIONS; GENERAL PROVISIONS

§ 7-201. Definitions.

(a) *In general.*

In this subtitle, the following terms have the meanings indicated.
(*Ord. 99-548.*)

(b) *License.*

“License” means a license issued under this subtitle to operate as a hauler.
(*Ord. 99-548.*)

(c) *Small hauler.*

“Small hauler” means a hauler that uses only 1 truck for which the manufacturer’s rated capacity is $\frac{3}{4}$ ton or less and the gross weight of which is 7,000 pounds or less.
(*City Code, 1976/83, art. 11, §266(c).*) (*Ord. 99-548.*)

§ 7-202. Scope of subtitle.

This subtitle does not apply to:

- (1) any person while employed by or under contract with the City for public work;
- (2) a 1- or 2-day community clean-up where neighbors join in to pay the cost of hiring a truck;
or
- (3) a scrap metal processor who:

(i) is licensed under City Code Article 2, Subtitle 8; and

(ii) is transporting materials for purchase, sale, recycling, or storage (but not for disposal).

(*City Code, 1976/83, art. 11, §266(c).*) (*Ord. 99-548; Ord. 04-692.*)

§§ 7-203 to 7-204. {Reserved}

PART II. LICENSE REQUIRED

§ 7-205. In general.

No person may operate as a hauler in the City without a license to do so from the Commissioner of Health.
(*City Code, 1976/83, art. 11, §267(a), (a-1).*) (*Ord. 99-548.*)

§ 7-206. Applications.

The application for a license:

(1) must be on the form that the Commissioner provides; and

(2) in addition to any other information that the Commissioner requires, must contain the type, make, year, capacity, and vehicle tag number of every vehicle that the applicant proposes to use.

(City Code, 1976/83, art. 11, §267(a), (a-1).) (Ord. 99-548.)

§ 7-207. Inspection of applicant.

On receipt of the application, the Commissioner may inspect the applicant's storage facilities, vehicles, and other equipment before issuing a license.

(City Code, 1976/83, art. 11, §267(d).) (Ord. 99-548.)

§ 7-208. Issuance of license.

The Commissioner must issue a license to the applicant if the applicant:

(1) has complied with all applicable laws, rules, and regulations; and

(2) pays the applicable license fee.

(City Code, 1976/83, art. 11, §267(d).) (Ord. 99-548.)

§ 7-209 Term and renewal of license.

(a) *Term of license.*

Unless sooner suspended or revoked, a license expires on December 31 of each year.

(b) *Application for renewal.*

Before a license expires, the licensee periodically may renew the license for an additional 1-year term, if the licensee:

(1) otherwise is entitled to a license;

(2) submits a renewal application to the Commissioner, on the form that the Commissioner provides; and

(3) pays the applicable annual fee.

(City Code, 1976/83, art. 11, §267(c)(2nd sen.).) (Ord. 99-548.)

§ 7-210. License fees.**(a) *In general.***

The fees to be charged under this subtitle are as set by the Commissioner, with the approval of the Board of Estimates.

(b) *Small haulers.*

The fees so set may include an appropriate differential for small haulers.
(*City Code, 1976/83, art. 11, §267(c)(2nd sen.). (Ord. 99-548.)*)

§ 7-211. Inspection of licensee.**(a) *When authorized.***

From time to time as the Commissioner sees fit, the Commissioner may inspect any storage facilities, vehicles, and other equipment of a licensee.

(b) *When required.*

The Commissioner must undertake an inspection of a licensee if the Commissioner receives written complaints from 2 or more unrelated persons that the licensee is in violation of the subtitle.
(*City Code, 1976/83, art. 11, §270(a.). (Ord. 99-548.)*)

§§ 7-212 to 7-213. {Reserved}***PART III. SUSPENSIONS AND REVOCATIONS*****§ 7-214. Suspension or revocation after notice.****(a) *Notice — in general.***

The Commissioner may issue a violation notice to a licensee who the Commissioner believes is in violation of any provision of:

- (1) this subtitle;
- (2) any rule or regulation adopted under this subtitle; or
- (3) the terms of the license issued to the licensee.

(b) *Notice — contents.*

The violation notice must:

- (1) cite the violation;

(2) specify the corrective action to be taken; and

(3) state the time within which that action must be taken.

(c) *Action on failure to correct.*

If the licensee fails to make the corrections within the time prescribed, the Commissioner may suspend or revoke the license, subject to the hearing provisions of Title 2, Subtitle 3 {“Administrative Hearings”} of this article.

(*City Code, 1976/83, art. 11, §270(a).*) (*Ord. 99-548.*)

§ 7-215. Suspension or revocation after conviction.

Subject to the hearing provisions of Title 2, Subtitle 3 {“Administrative Hearings”} of this article, the Commissioner may suspend or revoke the license of any licensee who is convicted of a violation of:

(1) this subtitle;

(2) any rule or regulation adopted under this subtitle; or

(3) any other law involving the handling or disposition of waste.

(*City Code, 1976/83, art. 11, §270(d).*) (*Ord. 99-548.*)

§§ 7-216 to 7-217. {Reserved}

PART IV. HAULERS' DUTIES

§ 7-218. Identification of vehicles.

(a) *In general.*

(1) Except as specified in subsection (b) of this section, every vehicle used by a hauler to collect, transport, or dispose of waste must be identified as specified in this subsection.

(2) The name and business telephone number of the hauler must be displayed:

(i) on both sides of the vehicle; and

(ii) in lettering that:

(A) conspicuously contrasts with its background; and

(B) is of a size, shape, and color to be readily legible, during daylight hours, from a distance of 50 feet while the vehicle is stationary.

(3) The required display may be on removable devices.

(b) *Small haulers.*

Every vehicle used by a small hauler must have its license displayed inside the vehicle in a way that is visible at all times from outside the vehicle.
(*City Code, 1976/83, art. 11, §269(d), (h).*) (*Ord. 99-548.*)

§ 7-219. Identification of containers.

(a) *In general.*

Each waste container that has a capacity of 2 cubic yards or more must be labeled with:

- (1) the name of the licensee; and
- (2) an identification number assigned by the Commissioner.

(b) *Form.*

The label must be:

- (1) on the outside of the container; and
- (2) in permanent lettering that is:
 - (i) plainly distinguishable; and
 - (ii) at least 3 inches high.

(*City Code, 1976/83, art. 11, §269(d), (h).*) (*Ord. 99-548.*)

§ 7-220. Sanitation requirements.

(a) *Preventing spills.*

Each licensee must:

- (1) comply with the requirements of Subtitle 3 {“Transporting Waste”} of this title;
- (2) cover or tie down all solid waste being transported on an open-type vehicle so as to prevent spillage; and
- (3) take all other action necessary to prevent leakage or loss of any waste from either containers or vehicles.

(b) *Cleaning vehicles.*

Each vehicle used to collect, transport, or dispose of waste must be maintained in a clean condition that minimizes odors and prevents insect and rodent breeding.
(*City Code, 1976/83, art. 11, §269(a) - (c).*) (*Ord. 99-548.*)

§ 7-221. Hours of collection.*(a) In general.*

Except as specified in subsection (b) of this section, no hauler may collect solid waste in the City before 7 a.m. or after 11 p.m. on any day, weekends and legal holidays included.

(b) Nonresidential areas.

A licensee may collect solid waste at any time from a business, commercial, industrial, institutional, or other nonresidential use structure as long as no residential structure is within 100 feet of any collection point.

(c) Emergency waivers.

The Commissioner may waive the requirements of this section in the event of a civil emergency. (*City Code, 1976/83, art. 11, §26(f).*) (*Ord. 99-548.*)

§ 7-222. Daily log.*(a) Driver to keep.*

The driver of any vehicle being used under a hauler's license must keep a daily log that includes, for each collection of solid waste:

- (1) the location from which the waste is collected;
- (2) the general nature of the solid waste;
- (3) the name of the customer from whom the waste is collected; and
- (4) when, where, and how the waste was disposed of.

(b) Inspection.

The licensee must permit the Commissioner to inspect this log at any time during regular business hours.

(*City Code, 1976/83, art. 11, §269(g).*) (*Ord. 99-548.*)

§§ 7-223 to 7-224. {Reserved}*PART V. USING UNLICENSED HAULERS***§ 7-225. List of licensees.***(a) Commissioner to publish.*

The Commissioner must publish and distribute to all community associations listed with the Department of Planning an annual list of all small haulers licensed under this subtitle who indicate their availability to provide services to residential properties.

(b) *Warnings.*

This list must contain a notice of the prohibition in § 7-226 {"Prohibited conduct"} of this subtitle against using an unlicensed hauler.
(*City Code, 1976/83, art. 11, §268(d).*) (*Ord. 99-548.*)

§ 7-226. Prohibited conduct.

No person may contract with or hire any hauler who is not licensed under this subtitle.
(*City Code, 1976/83, art. 11, §267(b).*) (*Ord. 99-548.*)

§§ 7-227 to 7-228. {Reserved}

PART VI. PENALTIES

§ 7-229. Enforcement by citation.

(a) *In general.*

In addition to any other civil or criminal remedy or enforcement procedure, this subtitle may be enforced by issuance of:

- (1) an environmental citation under City Code Article 1, Subtitle 40 {"Environmental Control Board"}; or
- (2) a civil citation under City Code Article 1, Subtitle 41 {"Civil Citations"}.

(b) *Process not exclusive.*

The issuance of a citation to enforce this subtitle does not preclude pursuing any other civil or criminal remedy or enforcement action authorized by law.
(*Ord. 99-548; Ord. 03-595.*)

§ 7-230. Penalties: \$500/day.

(a) *In general.*

Any person who violates any provision of this subtitle or of any rule or regulation adopted under this subtitle is guilty of a misdemeanor and, on conviction, is subject to a fine of not more than \$500 for each offense.

(b) *Each day a separate offense.*

Each day that a violation continues is a separate offense.
(*City Code, 1976/83, art. 11, §272.*) (*Ord. 99-548.*)

SUBTITLE 3
TRANSPORTING WASTE

§ 7-301. Coverings and containers required.

(a) *In general.*

Every vehicle that transports waste on the streets of this City, including vehicles used by the City, must be equipped with adequate coverings and containers to prevent the spilling or dropping of any waste.

(b) *Construction.*

The vehicle and all waste containers must:

(1) be strong and tight;

(2) have sides high enough above the load that no part of the load can fall, leak, or spill; and

(3) be covered with heavy canvas or other substantial material.

(City Code, 1976/83, art. 11, §121(2nd sen.), art. 23, §§15, 16.) (Ord. 99-548.)

§ 7-302. Loading and care.

(a) *In general.*

No person may allow any vehicle or container to be so fully loaded, in such bad repair, of such faulty construction, or so improperly operated that any waste can fall, leak, or spill.

(b) *Care by drivers, etc.*

No person driving, loading, unloading, or cleaning any vehicle or container used to carry waste may do so or permit any other person to do so in any way that is needlessly offensive or filthy in respect to any person or property.

(City Code, 1976/83, art. 23, §§17, 18(1st cl.)) (Ord. 99-548.)

§ 7-303. Noncommercial vehicles.

The owner of every noncommercial vehicle used to carry any waste or any sand, dirt, gravel, loam, earth, fertilizer, filth, stone, brick, or coal must keep the load in a tight and secure condition so that no part of the load can fall, leak, or spill.

(City Code, 1976/83, art. 23, §20(1st cl.)) (Ord. 99-548.)

§ 7-304. Replacement of spills.

If any material falls, leaks, or spills from a vehicle or container, the individual operating the vehicle or in charge of the container must immediately stop and remove and secure the fallen, leaked, or spilled material.

(City Code, 1976/83, art. 11, §121(3rd sen.(last cl.)), art. 23, §18(2nd cl.)) (Ord. 99-548.)

§§ 7-305 to 7-306. {Reserved}

§ 7-307. Penalties: \$500.

Any person who violates any provision of this subtitle is guilty of a misdemeanor and, on conviction, is subject to a fine of not more than \$500 for each offense.
(Ord. 99-548.)

SUBTITLE 4
LANDFILLS

PART I. DEFINITIONS; GENERAL PROVISIONS

§ 7-401. Definitions.

(a) *In general.*

In this subtitle, the following terms have the meanings indicated.
(*Ord. 99-548.*)

(b) *License.*

“License” means a license issued under this subtitle to operate a landfill.
(*Ord. 99-548.*)

(c) *Person.*

“Person” includes, except as used in § 7-419 {“Penalties”} of this subtitle, a governmental entity or an instrumentality or unit of a governmental entity.
(*Ord. 99-548.*)

§ 7-402. Exceptions from subtitle.

This subtitle does not apply to:

(1) the random placement of broken stones or rubble as a foundation, sustaining wall, or similar structure to control erosion; or

(2) to the otherwise lawful filling of land exclusively with earth fill material that contains:

(i) no more than 10% organic matter or rubble by volume; and

(ii) no object larger than 12 inches in any dimension.
(*City Code, 1976/83, art. 11, §§221(a)(2nd cl.), 221(1), 224.*) (*Ord. 99-548.*)

§§ 7-403 to 7-405. {Reserved}

PART II. LICENSE REQUIRED

§ 7-406. In general.

No person may operate a landfill in the City without a license to do so from the Commissioner of Health.
(*City Code, 1976/83, art. 11, §222(b).*) (*Ord. 99-548.*)

§ 7-407. Applications.

The application for a license:

- (1) must be on the form that the Commissioner provides; and
- (2) in addition to any other information that the Commissioner requires, must contain:
 - (i) the name of the applicant;
 - (ii) the applicant's home address;
 - (iii) the address of the applicant's principal place of business;
 - (iv) the location of the proposed landfill;
 - (v) the name under which the business is carried on;
 - (vi) a detailed engineering plan of the proposed operation of the landfill; and
 - (vii) evidence satisfactory to the Commissioner that the applicant has obtained a bond or other security, running to the benefit of the City, in the form, amount, and tenor:
 - (A) as required by State law for landfills licensed by the State; or
 - (B) if no bond or security is required by State law, as the Commissioner requires.
(*City Code, 1976/83, art. 11, §223(a)(1)(1st cl.), (2), (3)(1st cl.) (Ord. 99-548.)*)

§ 7-408. Issuance of license.

The Commissioner must issue a license to the applicant if:

- (1) the Commissioner approves the engineering plan;
- (2) the applicant has complied with all applicable laws, rules, and regulations; and
- (3) the applicant pays the applicable fee.
(*City Code, 1976/83, art. 11, §223(a)(3)(2nd cl.) (Ord. 99-548.)*)

§ 7-409. Term and renewal of license.

(a) *Term of license.*

Unless sooner suspended or revoked, a license expires annually on the anniversary of its effective date.

(b) *Application for renewal.*

Before a license expires, the licensee periodically may renew the license for an additional 1-year term, if the licensee:

(1) otherwise is entitled to a license;

(2) submits a renewal application to the Commissioner, in the form that the Commissioner requires; and

(3) pays the applicable renewal fee.

(City Code, 1976/83, art. 11, §223(a)(intro), (a)(4)(1st sen.)) (Ord. 99-548.)

§ 7-410. License fees.

The annual fee for a license is as set by the Commissioner, with the approval of the Board of Estimates.

(City Code, 1976/83, art. 11, §223(a)(4)(2nd sen.)) (Ord. 99-548.)

§ 7-411. Notice of changed information.

A licensee must immediately notify the Commissioner of any change in any of the information contained in or accompanying the licensee's application for a license or a renewal.

(City Code, 1976/83, art. 11, §223(a)(1)(2nd cl.)) (Ord. 99-548.)

§§ 7-412 to 7-413. {Reserved}*PART III. SUSPENSIONS, REVOCATIONS, AND DENIALS***§ 7-414. Suspensions.**(a) *Grounds.*

Subject to the hearing provisions of Title 2, Subtitle 3 {"Administrative Hearings"} of this article, the Commissioner of Health may suspend a license:

(1) on receipt of notice of intent to cancel the bond or other security required by State law;

(2) if the licensee fails to comply with the engineering plan approved by the Commissioner;
or

(3) if the Commissioner finds the licensee has caused a condition that is hazardous to the public health, safety, or welfare.

(b) *Duration.*

A suspension continues until the licensee:

(1) satisfies the Commissioner that the cause for the suspension has been adequately corrected; and

(2) has reimbursed the City for any expenses that the City incurs as a result of the condition.
(City Code, 1976/83, art. 11, §223(a)(5).) (Ord. 99-548.)

§ 7-415. Revocations and denials of renewal.

Subject to the hearing provisions of Title 2, Subtitle 3 {"Administrative Hearings"} of this article, the Commissioner of Health may revoke or refuse to renew the license of any licensee who repeatedly violates any of the conditions of the license or any of the provisions of this subtitle or of the rules and regulations adopted under this subtitle.
(City Code, 1976/83, art. 11, §223(a)(6).) (Ord. 99-548.)

§§ 7-416 to 7-417. {Reserved}

PART IV. PENALTIES

§ 7-418. Enforcement by citation.

(a) *In general.*

In addition to any other civil or criminal remedy or enforcement procedure, this subtitle may be enforced by issuance of:

(1) an environmental citation under City Code Article 1, Subtitle 40 {"Environmental Control Board"}; or

(2) a civil citation under City Code Article 1, Subtitle 41 {"Civil Citations"}.

(b) *Process not exclusive.*

The issuance of a citation to enforce this subtitle does not preclude pursuing any other civil or criminal remedy or enforcement action authorized by law.
(Ord. 99-548; Ord. 03-595.)

§ 7-419. Penalties: \$1,000 and \$100/day.

Any person who violates any provision of this subtitle or of a rule or regulation adopted under this subtitle is guilty of a misdemeanor and, on conviction, is subject to a fine of not more than \$1,000 for each offense, plus \$100 for each day that the offense continues.
(City Code, 1976/83, art. 11, §226(a).) (Ord. 99-548.)

SUBTITLE 5
{RESERVED}

SUBTITLE 6
PROHIBITED DISPOSAL

§ 7-601. In general.

No person may dispose of any waste or other material except:

(1) in a receptacle and at a location approved by law for waste disposal;

(2) at a licensed landfill; or

(3) at any other disposal site authorized by law to receive waste.

(City Code, 1976/83, art. 11, §§135(c), 220, 222(a), 264(c), art. 23, §13.) (Ord. 99-548.)

§ 7-602. Disposing of offensive materials.

(a) *In general.*

No person may dispose of or permit to discharge or flow onto any public or private property, with or without the owner's permission, any liquid or solid matter that is or that, after exposure to the atmosphere or otherwise, is likely to become offensive or otherwise a nuisance.

(b) *Illustrations.*

This section applies to, among other things, any:

(1) blood;

(2) refuse coal oil;

(3) dead animal or part of an animal;

(4) domestic or sanitary sewage;

(5) excrement;

(6) filth;

(7) foul or nauseous liquid;

(8) garbage;

(9) slaughter house or other trade cleanings;

(10) stagnant water; or

(11) offensive matter of any kind.

(City Code, 1976/83, art. 11, §119, inter alia.) (Ord. 99-548.)

§ 7-603. Dumping on public property.

No person may dump or dispose of any wire, glass, nails, garbage, waste, or any other matter in or on any gutter, sidewalk, street, open space, wharf, or other public place.
(*City Code, 1976/83, art. 19, §§167, 172.*) (*Ord. 99-548.*)

§ 7-604. Dumping on private property.

No person may dump or otherwise dispose of any earth, dirt, sand, ashes, gravel, rocks, garbage, waste, or any other matter on any private property without the permission of the property owner or the owner's agent.
(*City Code, 1976/83, art. 11, §§135, 160(1st cl.).*) (*Ord. 99-548.*)

§ 7-605. Burning waste.

No person may burn or cause to be burned any garbage or other waste except as specifically authorized by law.
(*City Code, 1976/83, art. 11, §§135, 160(1st cl.).*) (*Ord. 99-548.*)

§§ 7-606 to 7-607. {Reserved}**§ 7-608. Material from vehicle.**

The registered owner of a vehicle is prima facie responsible for any waste or other material disposed of from that vehicle.
(*City Code, 1976/83, art. 11, §136(3rd sen.).*) (*Ord. 99-548.*)

§ 7-609. Enforcement by citation.

(a) *In general.*

In addition to any other civil or criminal remedy or enforcement procedure, this subtitle may be enforced by issuance of:

- (1) an environmental citation under City Code Article 1, Subtitle 40 {"Environmental Control Board"}; or
- (2) a civil citation under City Code Article 1, Subtitle 41 {"Civil Citations"}.

(b) *Process not exclusive.*

The issuance of a citation to enforce this subtitle does not preclude pursuing any other civil or criminal remedy or enforcement action authorized by law.
(*Ord. 99-548; Ord. 03-595.*)

§ 7-610. Penalties.*(a) Basic penalty: \$1,000 and 90 days.*

Except as specified in subsection (b) or (c) of this section, any person who violates any provision of this subtitle or who authorizes any employee or agent to violate any provision of this subtitle is guilty of a misdemeanor and, on conviction, is subject to a fine of not more than \$1,000 or to imprisonment for not more than 90 days or to both fine and imprisonment for each offense.

(b) Enhanced penalty: \$1,000 and 12 months.

If the violation entails the disposal of 25 or more pounds of material in any 24-hour period, the penalty for a violation of this subtitle is any one or more of the following for each offense:

- (1) a fine of not more than \$1,000;
- (2) imprisonment for not more than 12 months; or
- (3) revocation of the privilege of seeking a building permit in the City.

(c) Penalties inapplicable to littering.

Subsection (a) of this section does not apply to “litter”, as defined in Subtitle 7 of this title. (*City Code, 1976/83, art. 11, §136(1st sen.), art. 19, §176.*) (*Ord. 99-548.*)

SUBTITLE 7
LITTERING

§ 7-701. “Litter” defined.

“Litter” means to discard or otherwise dispose of, in any way other than as authorized by § 7-601 of this title, of small amounts of paper, beverage containers, glass, garbage, or other waste that:

(1) weigh less than 1 pound;

(2) comprise less than 1 cubic foot; and

(3) are not toxic, noxious, or otherwise a threat to the public health or safety.

(City Code, 1976/83, art. 11, §254(b), (c)(part).) (Ord. 99-548.)

§ 7-702. Littering prohibited.

No person may:

(1) litter on any public or private property; or

(2) permit the accumulation of litter on any property under that person’s control.

(City Code, 1976/83, art. 11, §264(c).) (Ord. 99-548.)

§§ 7-703 to 7-704. {Reserved}

§ 7-705. Enforcement by citation.

(a) *In general.*

In addition to any other civil or criminal remedy or enforcement procedure, this subtitle may be enforced by issuance of:

(1) an environmental citation under City Code Article 1, Subtitle 40 {“Environmental Control Board”}; or

(2) a civil citation under City Code Article 1, Subtitle 41 {“Civil Citations”}.

(b) *Process not exclusive.*

The issuance of a citation to enforce this subtitle does not preclude pursuing any other civil or criminal remedy or enforcement action authorized by law.

(Ord. 99-548; Ord. 03-595.)

§ 7-706. Penalties: \$200

(a) *In general.*

Any person who violates this subtitle is guilty of a misdemeanor and, on conviction, is subject to a fine of \$200 for each offense.

(b) *Each day a separate offense.*

Each day a violation continues is a separate offense.
(Ord. 99-548.)

TITLE 8
AIR POLLUTION

SUBTITLE 1
PROHIBITED EMISSIONS

§ 8-101. Definitions.

(a) *In general.*

In this subtitle, the following terms have the meanings indicated.
(*Ord. 99-548.*)

(b) *Air pollution.*

“Air pollution” means the presence in the outdoor atmosphere of any odor, solid, vapor, liquid, gas, or other substance in such quantities and of such duration that it:

- (1) can be predicted with reasonable certainty to be injurious to property or to human, plant, or animal life; or
- (2) unreasonably interferes with the proper enjoyment of the property of others or with the comfort of the public.

(*Ord. 99-548.*)

(c) *Emission standard.*

- (1) “Emission standard” means a requirement that limits the quantity, quality, rate, or concentration of emissions from a source.

- (2) “Emission standard” includes any requirement that relates to the operation or maintenance of a source to assure continuous emission reduction.

(*Ord. 99-548.*)

(d) *Source.*

“Source” means any equipment, process, structure, space, material, or activity that contributes to air pollution.

(*Ord. 99-548.*)

§ 8-102. Commissioner’s powers.

(a) *Surveys, studies, etc.*

The Commissioner of Health may undertake surveys, investigations, studies, and like activities to determine the condition of the air in the City and how best to improve that condition.

(b) *Setting emission standards.*

In the rules and regulations that the Commissioner adopts under § 2-106 of this article, the Commissioner may set emission standards and adopt procedures for implementing and enforcing those standards.

(City Code, 1976/83, art. 11, §§8, 11.) (Ord. 99-548.)

§§ 8-103 to 8-104. {Reserved}

§ 8-105. Prohibited conduct.

No person may operate or use any source, whether indoors or outdoors, static or mobile, that contributes to air pollution in any way or amount that exceeds emission standards:

(1) set by federal or state law or regulation; or

(2) set by the Commissioner.

(City Code, 1976/83, art. 11, §7.) (Ord. 99-548.)

§ 8-106. Order to correct conditions.

Whenever as the result of an investigation or study, the result of a complaint, or otherwise, the Commissioner of Health finds that any source is contributing to air pollution in excess of that permitted by law, the Commissioner may issue a written notice to the owner or operator of that source and order the owner or operator to remove or control the cause of the emission in the manner and within the time specified in the notice.

(City Code, 1976/83, art. 11, §10.) (Ord. 99-548.)

SUBTITLE 2
OPEN BURNING

§ 8-201. Definitions.

(a) *In general.*

In this subtitle, the following terms have the meanings indicated.
(*City Code, 1976/83, art. 11, §18(intro.) (Ord. 99-548.)*)

(b) *Open burning.*

“Open burning” means any fire or smoke-producing process that emits particulates or gases directly into the atmosphere without passing through any air pollution control equipment.
(*City Code, 1976/83, art. 11, §18(a), (f.) (Ord. 99-548.)*)

(c) *Waste.*

“Waste” has the meaning stated in §7-101 of this article.
(*Ord. 99-548.*)

§ 8-202. Purpose of subtitle.

(a) *Findings and policy.*

Because open burning can be a major contributor to air pollution in Baltimore City, the City’s policy is to eliminate or control pollution from open burning to protect the health, welfare, and property of the people of the City.

(b) *Commissioner to regulate.*

For this reason, the Commissioner of Health may regulate open burning.
(*City Code, 1976/83, art. 11, §17.) (Ord. 99-548.)*

§ 8-203. Open burning prohibited.

Except as specified in § 8-204 {“Exceptions”} of this subtitle, no person may permit or carry on any open burning of waste.
(*City Code, 1976/83, art. 11, §19.) (Ord. 99-548.)*

§ 8-204. Exceptions.

(a) *Outdoor cooking.*

The use of outdoor grills and fireplaces to prepare food is permitted unless prohibited by the Fire Department.

(b) *Disposal of explosives.*

The open burning of highly explosive or other dangerous materials for which there is no other known method of disposal or under other unusual circumstances is permitted if, on written request, the burning is:

- (1) approved by the Commissioner and the Chief of the Fire Department; and
- (2) done under the supervision of the Fire Department.

(c) *Training.*

The open burning of solid, liquid, or gaseous fuels, materials, or buildings is permitted if done for training purposes under the direct control and supervision of Fire Department instructors.

(d) *Salamanders, etc.*

Unless prohibited by the Fire Department, the use of salamanders or similar devices by construction or other workers for heat is permitted if:

- (1) no smoke violation or other nuisance is created; and
- (2) the salamander or other device is of a type approved by the Chief of the Fire Department.

(e) *Emergencies.*

In an emergency declared by the Commissioner, the open burning of household and normal business waste is permitted if it is done in compliance with the conditions and requirements that the Commissioner specifies for the emergency.

(City Code, 1976/83, art. 11, §20.) (Ord. 99-548.)

SUBTITLE 3
PENALTIES.

§ 8-301. Enforcement by citation.

(a) *In general.*

In addition to any other civil or criminal remedy or enforcement procedure, this title may be enforced by issuance of:

- (1) an environmental citation under City Code Article 1, Subtitle 40 {"Environmental Control Board"}; or
- (2) a civil citation under City Code Article 1, Subtitle 41 {"Civil Citations"}.

(b) *Process not exclusive.*

The issuance of a citation to enforce this title does not preclude pursuing any other civil or criminal remedy or enforcement action authorized by law.

(Ord. 99-548; Ord. 03-595.)

§ 8-302. Penalties: \$1,000.

(a) *In general.*

Any person who violates any provision of this title is guilty of a misdemeanor and, on conviction, is subject to a fine of not more than \$1,000 for each offense.

(b) *Each day a separate offense.*

Each day that a violation continues is a separate offense.

(City Code, 1976/83, art. 11, §§10(2nd sen.), 16, 21.) (Ord. 99-548.)

TITLE 9
NOISE REGULATION

SUBTITLE 1
DEFINITIONS; GENERAL PROVISIONS

§ 9-101. Definitions.

(a) *In general.*

In this title, the following terms have the meanings indicated.
(*Ord. 99-548.*)

(b) *Impulse sound.*

“Impulse sound” means a short burst of acoustical energy such as that produced by weapons fire, a punch press, or a drop hammer. A pressure time history of a single impulse includes a rapid rise to a maximum peak pressure followed by a somewhat slower decay, both occurring within 1 second.

(*City Code, 1976/83, art. 11, §230(g)(1).*) (*Ord. 99-548.*)

(c) *Motor vehicle.*

“Motor vehicle” has the meaning stated in § 11-135 of the State Transportation Article {“Maryland Vehicle Law”}.

(*City Code, 1976/83, art. 11, §230(c).*) (*Ord. 99-548.*)

(d) *Noise.*

“Noise” means any steady-state or impulse sound that occurs on either a continuous or intermittent basis.

(*City Code, 1976/83, art. 11, §230(f).*) (*Ord. 99-548.*)

(e) *Peak pressure.*

“Peak pressure” is the sound level in decibels of an impulse sound measured with sound instrumentation that uses the flat response or linear scale.

(*City Code, 1976/83, art. 11, §230(e).*) (*Ord. 99-548.*)

(f) *Steady-state sound.*

“Steady-state sound” means a periodic or random variation, with a duration of more than 1 second, in atmospheric pressure at audible frequencies.

(*City Code, 1976/83, art. 11, §230(g)(2).*) (*Ord. 99-548.*)

§ 9-102. Construction of title.**(a) *Liberal construction.***

This title is to be liberally construed to effectuate its purposes.

(b) *Conflict with federal or state law.*

This title is not to be construed to permit anything that is prohibited by any other federal, state, or local law or regulation.

(City Code, 1976/83, art. 11, §230(g)(2).) (Ord. 99-548.)

§ 9-103. Exemptions.**(a) *In general.***

This title does not apply to any of the following:

- (1) motor vehicles, aircraft, or other equipment used in an emergency by any government agency or by any public service company, as defined in State Code Article 78; or
- (2) warning devices necessary for public safety, such as train horns and police, fire, and ambulance sirens.

(b) *Qualified exemptions.*

This title does not apply to the following, except as specifically stated in this title or where standards are set by the Commissioner's rules or regulations:

- (1) motor vehicles; or

- (2) the construction, repair, or demolition of a structure or street.

(City Code, 1976/83, art. 11, §231.) (Ord. 99-548.)

§ 9-104. Rules and regulations.**(a) *Commissioner may adopt.***

The rules and regulations that the Commissioner adopts under § 2-106 of this article may include provisions that set:

- (1) standards and procedures for measuring noise;
- (2) noise standards for motor vehicle operation;
- (3) noise standards for the construction, repair, or demolition of structures or streets;

- (4) standards, limitations, and procedures for obtaining a temporary exemption authorized by Subtitle 2 {"Basic Sound Level Standards"} or Subtitle 3 {"Entertainment and Commercial Noise"} of this title; and
- (5) other noise standards that the Commissioner considers necessary and appropriate for the protection of the public.

(b) *Public hearing.*

- (1) Before adopting any rules or regulations under this section, the Commissioner must hold a public hearing at which all interested persons are given an opportunity to testify on any proposed standard and to submit alternative proposals for the Commissioner's consideration.
- (2) Notice of the hearing must be published in a newspaper of general circulation in Baltimore City, at least once a week for the 2 successive weeks immediately before the hearing.
(*City Code, 1976/83, art. 11, §232(d).*) (*Ord. 99-548.*)

SUBTITLE 2
BASIC SOUND LEVEL STANDARDS

PART I. DEFINITIONS; GENERAL PROVISIONS

§ 9-201. Definitions.

(a) *In general.*

In this subtitle, the following terms have the meanings indicated.
(*Ord. 99-548.*)

(b) *Decibel or dB.*

- (1) “Decibel” or “dB” means the unit of measurement of relative sound intensity equal to 20 times the logarithm to the base 10 of the ratio of the effective sound pressure to a reference pressure of 20 micronewtons per square meter.

- (2) In formula,

$$\text{dB} = 20 \text{ Log}_{10} P/P_0$$

where P is the average pressure of the measured sound, and P₀ indicates the reference pressure considered to be the weakest audible pressure a young ear can detect under ideal listening conditions.

(*City Code, 1976/83, art. 11, §230(a).*) (*Ord. 99-548.*)

(c) *Person.*

“Person” includes, except as used in § 9-218 {“Penalties”} of this subtitle, a governmental entity or an instrumentality or unit of a governmental entity.

(*Ord. 99-548.*)

(d) *Sound Level A or db(A).*

“Sound level A” or “dB(A)” is the sound level in decibels, measured with a sound level meter that uses the A-weighting network or scale, as specified in ANSI S1.4 (“Specification for Sound Level Meters”), as amended from time to time.

(*City Code, 1976/83, art. 11, §230(d).*) (*Ord. 99-548.*)

(e) *Use.*

“Use” means any activity, occupation, business, or operation that is conducted on land or in or on a street, building, pier, wharf, or other structure.

(*City Code, 1976/83, art. 11, §230(h)(1st sen.).*) (*Ord. 99-548.*)

(f) *Zone, commercial.*

“Zone, commercial” means any of the following zoning districts, as established under the Zoning Code of Baltimore City:

(1) all business zoning districts; and

(2) all M-1 industrial zoning districts.

(*City Code, 1976/83, art. 11, §230(i)(2).*) (*Ord. 99-548.*)

(g) *Zone, manufacturing.*

“Zone, manufacturing” means all M-2 and M-3 industrial zoning districts, as established under the Zoning Code of Baltimore City.

(*City Code, 1976/83, art. 11, §230(i)(1).*) (*Ord. 99-548.*)

(h) *Zone, residential.*

“Zone, residential” means any of the following zoning districts, as established under the Zoning Code of Baltimore City:

(1) all residence zoning districts; and

(2) all office-residence zoning districts.

(*City Code, 1976/83, art. 11, §230(i)(3).*) (*Ord. 99-548.*)

§ 9-202. Declaration of findings and policy.

(a) *Findings.*

The Mayor and City Council finds that excessive or unnecessary noise in the City is a menace to the welfare and prosperity of the people of the City.

(b) *Policy.*

It is the public policy of the City that:

(1) everyone is entitled to an ambient noise level that is not detrimental to life, health, or enjoyment of property;

(2) the ambient noise level in the City should be controlled and reduced:

(i) to promote the public health, safety, and welfare and the peace and quiet of the City’s inhabitants; and

(ii) to facilitate the enjoyment of the City’s natural attractions; and

(3) to those ends, standards for noise must be set and enforced, as provided in this subtitle.

(*City Code, 1976/83, art. 11, §229(1st, 2nd pars.).*) (*Ord. 99-548.*)

§§ 9-203 to 9-204. {Reserved}*PART II. MAXIMUM SOUND LEVELS***§ 9-205. In general.***(a) Prohibited conduct.*

- (1) No person may cause or permit a sound level that exceeds the applicable level specified in this subtitle.
- (2) No person may cause or permit a sound level from the construction, repair, or demolition of a structure or street that exceeds any applicable level set by a rule or regulation of Commissioner, except in accordance with a temporary exemption permit or as necessary to do emergency work.
- (3) No person may operate a motor vehicle so as to exceed any applicable sound level set by a rule or regulation of the Commissioner.
- (4) No person may use a vehicle horn except:
 - (i) as reasonably necessary to assure safe operation; or
 - (ii) as an emergency warning signal.

(b) Measurements.

For sound levels set in this subtitle, measurements must be made with instruments calibrated by means of accepted acoustical techniques to an accuracy of plus or minus 1 dB(A).
(City Code, 1976/83, art. 11, §§235(a), (e), 238(a), (b), (e).) (Ord. 99-548.)

§ 9-206. Limits.*(a) In general.*

- (1) Except as otherwise specified in this subtitle, the maximum permissible sound levels are as set in this section for the applicable zone.
- (2) Where the property line of a use coincides with a zone boundary, the level specified in this section for the zone boundary controls.
- (3) Where the use is on a public street, the “property line” referred to in this section is the boundary of the public right-of-way.

(b) Manufacturing zones.

If the sound is from a use in a manufacturing zone, the maximum permissible sound level is:

- (1) 75 dB(A) at any point on the property line of the use;
- (2) 70 dB(A) at any point on a boundary that separates the manufacturing zone from a commercial zone; and
- (3) 70 dB(A) at any point on a boundary that separates the manufacturing zone from a residential zone.

(c) *Commercial zones.*

If the sound is from a use in a commercial zone, the maximum permissible sound level is:

- (1) 61 dB(A) at any point on the property line of the use;
- (2) 64 dB(A) at any point on a boundary that separates the commercial zone from a manufacturing zone; and
- (3) 58 dB(A) at any point on a boundary that separates the commercial zone from a residential zone.

(d) *Residential zone.*

If the sound is from a use in a residential zone, the maximum permissible sound level is:

- (1) 55 dB(A) at any point on the property line of the use;
- (2) 61 dB(A) at any point on a boundary that separates the residential zone from a manufacturing zone; and
- (3) 58 dB(A) at any point on a boundary that separates the residential zone from a commercial zone.

(City Code, 1976/83, art. 11, §235(b), (c).) (Ord. 99-548.)

§ 9-207. Nighttime sound reductions.

Between the hours of 9 p.m. and 7 a.m., the maximum permissible sound specified in § 9-206 {"Limits"} of this subtitle must be reduced by 5 dB(A) for any use that:

- (1) borders on a residential zone; or

- (2) except for the level permitted by § 9-206(d)(2) of this subtitle, is in a residential zone.

(City Code, 1976/83, art. 11, §236(a).) (Ord. 99-548.)

§ 9-208. Permitted deviations.

(a) *Short, durational deviations.*

The maximum permissible sound levels specified in § 9-206 {"Limits"} of this subtitle may be exceeded by no more than:

- (1) 5 dB(A) for a total of not more than 12 minutes in any 1-hour period;
- (2) 10 dB(A) for a total of not more than 3 minutes in any 1-hour period; or
- (3) 15 dB(A) for a total of not more than 30 seconds in any 1-hour period.

(b) *Home activities — vehicle repairs; power tools.*

Noncommercial vehicular repairs and the use of home workshops, power tools, and power garden equipment are allowed:

- (1) between the hours of 7 a.m. and 9 p.m. on weekdays; and
- (2) between the hours of 10 a.m. and 10 p.m. on weekends and legal holidays.

(c) *Home activities — air conditioners; heat pumps.*

Air conditioning and heat pump equipment used to cool or heat housing on residential property may exceed the maximum sound levels specified in § 9-206 {"Limits"} of this subtitle as long as the sound level does not exceed:

- (1) for air conditioning equipment, 70 dB(A) at any point on the property line of any other residential property; and
- (2) for heat pump equipment, 75 dB(A) at any point on the property line of any other residential property.

(City Code, 1976/83, art. 11, §236(b), (d).) (Ord. 99-548.)

§ 9-209. Temporary exemptions.

(a) *In general.*

When in the public interest, the Commissioner of Health may grant a temporary exemption from the maximum permissible sound levels specified in this subtitle.

(b) *Application and fee.*

- (1) An application for a temporary exemption must be made in the form that the Commissioner requires.
- (2) In addition to any other information that the Commissioner requires, the application must contain:
 - (i) the name of the applicant;
 - (ii) the location of the property for which the exemption is requested;
 - (iii) the dates and hours for which the exemption is requested;

- (iv) the equipment, instruments, or devices that will be producing the sound;
- (v) the name of the person in charge of operating the equipment, instruments, or devices;
and
- (vi) a statement of the reason the exemption is needed or appropriate.

(c) *Form and contents of exemption.*

A temporary exemption must:

- (1) be in writing;
- (2) be signed by the Commissioner; and
- (3) set forth:
 - (i) the name of the person granted the exemption;
 - (ii) the location of the property for which the exemption is granted;
 - (iii) the dates and hours for which the exemption is effective;
 - (iv) the equipment, instruments, or devices to which the exemption is limited; and
 - (v) any conditions or requirements that the Commissioner specifies.

(d) *Exemption limitations.*

A temporary exemption:

- (1) may be granted only for a period that is reasonable in view of all the facts, but in no case for more than 30 days;
- (2) may not be granted more than 3 times in any 1 calendar year for the same location; and
- (3) may not permit its holder to exceed the maximum permissible sound levels specified in this subtitle by more than 25 dB(A).

(City Code, 1976/83, art. 11, §239.) (Ord. 99-548.)

§§ 9-210 to 9-211. {Reserved}

PART III. ENFORCEMENT

§ 9-212. Notice of violation.

(a) *In general.*

If the Commissioner of Health believes that any provision of this subtitle has been violated, the Commissioner may issue a written notice to the alleged violator.

(b) *Contents of notice and order.*

The notice must:

(i) specify the nature and facts of the violation, including the dB(A) readings noted and the time and place of their detection; and

(ii) order corrective action to be taken within the time the Commissioner specifies.

(City Code, 1976/83, art. 11, §240(a)(parts).) (Ord. 99-548.)

§ 9-213. Enforcement by Commissioner.

If corrective action is not taken within the time specified in the notice, the Commissioner may institute injunctive or other legal proceedings in a court of competent jurisdiction

(City Code, 1976/83, art. 11, §§240(c), 242(b).) (Ord. 99-548.)

§ 9-214. Private actions; civil damages.(a) *Private action to enforce.*

(1) Subject to paragraph (2) of this subsection, any person may bring a civil action against any person who is in violation of a noise control requirement of this subtitle.

(2) An action under this subsection may not be brought:

(i) before 60 days after the complainant has given notice of the violation to the Commissioner and to the alleged violator; or

(ii) while the Commissioner is diligently prosecuting a civil action to require the alleged violator to comply with this subtitle.

(b) *Action for civil damages.*

Nothing in this subtitle limits the right of any person to damages or other relief for injury to person or property.

(City Code, 1976/83, art. 11, §§240(d), 242(c).) (Ord. 99-548.)

§§ 9-215 to 9-216. {Reserved}*PART IV. PENALTIES***§ 9-217. Enforcement by citation.**(a) *In general.*

In addition to any other civil or criminal remedy or enforcement procedure, this subtitle may be enforced by issuance of:

(1) an environmental citation under City Code Article 1, Subtitle 40 {"Environmental Control Board"}; or

(2) a civil citation under City Code Article 1, Subtitle 41 {“Civil Citations”}.

(b) *Process not exclusive.*

The issuance of a citation to enforce this subtitle does not preclude pursuing any other civil or criminal remedy or enforcement action authorized by law.

(Ord. 99-548; Ord. 03-595.)

§ 9-218. Penalties: \$1,000.

(a) *In general.*

Any person who neglects, refuses, or otherwise fails to comply with a notice issued under this subtitle is guilty of a misdemeanor and, on conviction, is subject to a fine of not more than \$1,000 for each offense.

(b) *Each day a separate offense.*

Each day a violation continues is a separate offense.

(City Code, 1976/83, art. 11, §242(a).) (Ord. 99-548.)

SUBTITLE 3
ENTERTAINMENT AND COMMERCIAL NOISE

PART I. GENERAL PROVISIONS

§ 9-301. Declaration of findings and intent.

(a) *Findings.*

Having received an increasing number of complaints from citizens about noise and having made certain observations of the subject, the Mayor and City Council of Baltimore finds that:

- (1) excessive noise, when unnecessary for religious, political, civic, commercial, or other constitutionally protected activities or when not generated in the course of other activity needed to carry on daily life, creates a significant threat to the public health, safety, and welfare in an area as densely populated as Baltimore City;
- (2) the noises most obnoxious to the public health, safety, and welfare and least necessary for any constitutionally protected or otherwise necessary activity are those that are loud, boisterous, raucous, or unseemly or that are generated solely for the purpose of entertainment, without regard to the health, welfare, and safety of others who, because of population density, are unable to avoid being subjected to those noises; and
- (3) an alarming increase is occurring in the frequency and volume of this sort of noise, particularly from loud parties and from the plethora of portable sound-producing and reproducing devices available today.

(b) *Intent.*

The Mayor and City Council intend this subtitle, therefore, to serve as a vehicle for the control and regulation of noises that pose a threat to the health, safety, or welfare of the citizens of Baltimore. One part of this subtitle regulates noises generated solely for entertainment purposes. Another balances the public interest in regulating certain types of noisy commercial advertising to protect the public health, safety, and welfare, on the one hand, against the interests of the commercial establishments employing that advertising, on the other.

(City Code, 1976/83, art. 19, §220(parts).) (Ord. 99-548.)

§ 9-302. Scope of subtitle.

(a) *Commercial, etc., speech.*

This subtitle applies to commercial, religious, political, civic, or free speech activities only:

- (1) where the application is clearly indicated; or
- (2) where religious, fraternal, civic, political, charitable, or civic organizations provide entertainment, as in the case of “fund raisers” or similar activities.

(b) *Exemptions from subtitle.*

This subtitle does not apply to:

- (1) City-sponsored events in public parks;
- (2) sound equipment used at any professional sports stadium; or
- (3) any public service company, as defined in State Code Article 78.

(City Code, 1976/83, art. 19, §§220(parts), 221(d).) (Ord. 99-548.)

§ 9-303. Temporary exemptions.

(a) *In general.*

The Commissioner of Health may issue a permit for a temporary exemption from this subtitle for commercial, political, civic, charitable, or other organizations to conduct activities such as fund raisers, carnivals, bazaars, meetings, and other special events.

(b) *Application.*

- (1) An application for a temporary exemption must be made in the form that the Commissioner requires.
- (2) In addition to any other information that the Commissioner requires, the application for must contain:
 - (i) the name of the applicant;
 - (ii) the location of the property for which the exemption is requested;
 - (iii) the dates and the hours for which the exemption is requested;
 - (iv) the equipment, instruments, or devices that will be producing the sound;
 - (v) the name of the person in charge of operating the equipment, instruments, or devices;
and
 - (vi) a statement of the reason the exemption is needed or appropriate.

(c) *Considerations.*

Before issuing a temporary exemption, the Commissioner must consider the impact of the proposed activity on the surrounding area.

(d) *Form and contents of exemption.*

A temporary exemption must:

- (1) be in writing;
- (2) be signed by the Commissioner; and
- (3) set forth:
 - (i) the name of the person granted the exemption;
 - (ii) the location of the property for which the exemption is granted;
 - (iii) the dates and hours for which the exemption is effective;
 - (iv) the equipment, instruments, or devices to which the exemption is limited; and
 - (v) any conditions or requirements that the Commissioner specifies.

(City Code, 1976/83, art. 19, §223.) (Ord. 99-548.)

§§ 9-304 to 9-305. {Reserved}

PART II. ENTERTAINMENT NOISE

§ 9-306. Prohibited conduct — in general.

Except as authorized under § 9-303 {“Temporary exemptions”} of this subtitle, no person may play, operate, or permit to be played or operated any radio, musical instrument, phonograph, tape- or compact disc-player, or other device for the production or reproduction of sound if:

- (1) that sound is used or intended for entertainment; and
- (2) either:
 - (i) the device is in a building or other structure or in a vehicle, and the sound can be heard more than 50 feet away from the building, structure, or vehicle or, if further, 50 feet from the boundaries of the property surrounding the building or structure;
 - (ii) the device is in or on a public street, building, park, or other public area, in or on a public access area, such as a shopping mall, parking lot, etc., or on any private property and the sound can be heard more than 50 feet from its source; or
 - (iii) the device is being played between 10 p.m. and 8 a.m. in or on a public street, unless the person is participating in a school band or a licensed parade or has otherwise been authorized to play the device.

(City Code, 1976/83, art. 11, §238(d), art. 19, §221(a).) (Ord. 99-548.)

§ 9-307. Prohibited conduct —parents or guardians of minors.

A parent or guardian may not knowingly permit a minor for whom the parent or guardian is responsible to violate § 9-306 {“Prohibited conduct — in general”} of this subtitle.

(City Code, 1976/83, art. 19, §221(c)(3)(i).) (Ord. 99-548.)

§ 9-308. Presumptions.**(a) *Devices indoors.***

If the device is located in a building or other structure or in a vehicle, the owner, occupant, resident, manager, operator, or other person in charge of the premises or vehicle, if present, is presumed to be responsible in the absence of evidence to the contrary.

(b) *Devices outdoors.*

If the device is outdoors, the person possessing it is presumed to be responsible in the absence of evidence to the contrary.

(*City Code, 1976/83, art. 19, §221(b).*) (*Ord. 99-548.*)

§ 9-309. Violations by minors.**(a) *Order to stop.***

A police officer who finds any minor violating § 9-306 {"Prohibited conduct — in general"} of this subtitle must order the minor to stop the violation.

(b) *Failure to comply.*

(1) If the minor fails to comply with the order, the police officer may take him or her into custody.

(2) After the information necessary to carry out the purposes of this subtitle has been recorded, the minor must be:

(i) promptly released to his or her parent or guardian, with written notice to the parent or guardian of the violation; and

(ii) referred to the Baltimore City Police Department's court sanctioned pre-intake adjustment program.

(*City Code, 1976/83, art. 19, §221(c)(1), (2).*) (*Ord. 99-548.*)

§§ 9-310 to 9-311. {Reserved}*PART III. COMMERCIAL NOISE***§ 9-312. Loudspeakers, etc.****(a) *In general.***

No commercial enterprise may broadcast over a loudspeaker or other device so that the sound can be heard more than 100 feet from the boundaries of the building or property where the device is located or, if the device is in a vehicle, more than 100 feet from that vehicle.

(b) *Presumption.*

The owner, manager, operator, or other person in charge of the building, premises, or vehicle from which the sound emanates is presumed to be responsible in the absence of evidence to the contrary.

(*City Code, 1976/83, art. 19, §222.*) (*Ord. 99-548.*)

§ 9-313. Outcrying.

(a) *Restricted hours.*

Except as specified in subsection (b) of this section, no person may sell anything by outcry between 10 p.m. and 8 a.m.

(b) *Sporting events, etc.*

This section does not apply to the sale of merchandise, food, or beverages at licensed sporting events, parades, fairs, circuses, and similar, licensed entertainment events.

(*City Code, 1976/83, art. 11, §238(c).*) (*Ord. 99-548.*)

§§ 9-314 to 9-315. {Reserved}

PART IV. PENALTIES

§ 9-316. Enforcement by citation.

(a) *In general.*

In addition to any other civil or criminal remedy or enforcement procedure, this subtitle may be enforced by issuance of:

- (1) an environmental citation under City Code Article 1, Subtitle 40 {"Environmental Control Board"}; or
- (2) a civil citation under City Code Article 1, Subtitle 41 {"Civil Citations"}.

(b) *Process not exclusive.*

The issuance of a citation to enforce this subtitle does not preclude pursuing any other civil or criminal remedy or enforcement action authorized by law.

(*Ord. 99-548; Ord. 03-595.*)

§ 9-317. Penalties.

(a) *In general.*

Any person who violates any provision of this subtitle or of a rule or regulation adopted under this subtitle is guilty of a misdemeanor and, on conviction, subject to the penalties specified in this section.

(b) *Entertainment noise — adult offenders: \$500 and 30 days.*

For an adult who violates § 9-306 {"Prohibited conduct — in general"} of this subtitle, the penalty is a fine of not more than \$500 or imprisonment for not more than 30 days or both fine and imprisonment for each offense.

(c) *Entertainment noise — parent or guardian of minor: \$100.*

For a parent or guardian who violates § 9-307 {"Prohibited conduct — parents or guardians of minors"} of this subtitle within 12 months after receiving written notice of the minor's having violated § 9-306 {"Prohibited conduct — in general"} of this subtitle, the parent or guardian is subject to a fine of not more than \$100 for each offense.

(d) *Commercial noise — Outcrying: \$1,000.*

For any violation of § 9-313 {"Outcrying"} of this subtitle, the penalty is a fine of not more than \$1,000 for each offense.

(e) *Commercial noise — Loudspeakers: \$1,000 and 60 days.*

(1) For any violation of § 9-312 {"Loudspeakers, etc."} of this subtitle, the penalty is a fine of not more than \$1,000 or imprisonment for not more than 60 days or both fine and imprisonment for each offense.

(2) Every day that a violation continues is a separate offense.
(Ord. 99-548.)

SUBTITLE 4
AMPLIFIED SOUNDS IN MARKET CENTER

PART I. DEFINITIONS; GENERAL PROVISIONS

§ 9-401. Definitions.

(a) *In general.*

In this subtitle, the following terms have the meanings indicated.
(Ord. 99-548.)

(b) *Commercial speech.*

“Commercial speech” means speech or sound intended to promote any business or other activity carried on for profit.
(City Code, 1976/83, art. 19, §225(d).) (Ord. 99-548.)

(c) *Market Center Urban Renewal Area.*

“Market Center Urban Renewal Area” means the urban renewal area established by the Market Center Urban Renewal Plan.
(Ord. 99-548.)

(d) *Publicly amplified sound.*

“Publicly amplified sound” means any radio, phonograph, tape- or compact disc-player, loudspeaker, or other device that:

(1) electronically produces, reproduces, or amplifies the human voice or other sound; and

(2) is located:

(i) on public property; or

(ii) on private property, but either:

(A) in an unenclosed area; or

(B) if in an enclosed area, within 9 feet of the nearest outside edge of the enclosed area.

(City Code, 1976/83, art. 19, §225(a).) (Ord. 99-548.)

§ 9-402. Declaration of findings and intent.

(a) *Importance of Market Center.*

(1) The Mayor and City Council finds that the Market Center Urban Renewal Area serves the City in many important and irreplaceable ways. Most obviously, the area is a heavily used

and essential retail and office district, providing job and shopping opportunities for countless thousands of City residents.

- (2) Equally important, however, is the traditional role that the area serves as a public forum for many diverse kinds of City residents. On any given day, dozens of people come to the district to promote their ideas on a wide variety of topics.

(b) *Amplified sounds as hindrance.*

- (1) The Mayor and City Council further finds that publicly amplified sounds have hindered the use of the Market Center Urban Renewal Area, both as a shopping, office, and employment center and as a marketplace for the exchange of ideas.
- (2) While recognizing that, in some instances, the reasonable use of amplification equipment facilitates the exchange of ideas, the Mayor and City Council finds that the indiscriminate use of this equipment in the Market Center has created a condition demonstrably injurious to the health, welfare, and safety of the citizens of Baltimore.
- (3) Specifically, the Mayor and City Council finds that publicly amplified sound:
 - (i) can be injurious to the health of those exposed to it;
 - (ii) when coming from or near a first floor business, impairs the use of offices above that business;
 - (iii) deters people from coming to the Market Center to shop, work, and exchange ideas;
 - (iv) hinders efforts to attract new businesses to the Market Center;
 - (v) can be hazardous to pedestrians and motorists in the Market Center; and
 - (vi) aggravates an already-existing din that is caused by the architecture, building arrangement, proximity of businesses, and topography of the area and that is at its worst between 11 a.m. to 3 p.m.

(c) *Intent.*

Through the enactment of this subtitle, the Mayor and City Council intends:

- (1) to promote the use of the retail district both as a shopping, office, and employment center and as a marketplace for the exchange of ideas; and
- (2) to control the negative effects of publicly amplified sounds while allowing reasonable use of electronic amplification equipment.

(City Code, 1976/83, art. 19, §224.) (Ord. 99-548.)

§ 9-403. Scope of subtitle.**(a) *In general.***

With respect to publicly amplified sounds in the Market Center Urban Renewal Area, this subtitle supersedes all other noise regulations of the City Code.

(b) *Public service companies excepted.*

This subtitle does not apply work performed by a public service company, as defined in State Code Article 78.

(City Code, 1976/83, art. 19, §§226, 227.) (Ord. 99-548.)

§§ 9-404 to 9-405. {Reserved}***PART II. GENERAL REGULATIONS*****§ 9-406. Commercial speech.****(a) *Prohibited during certain hours.***

In the Market Center Urban Renewal Area, between 11 a.m. and 3 p.m., Monday through Saturday, no person may use any publicly amplified sound that contains commercial speech.

(b) *Permit required for other times.*

At all other times in the Market Center Urban Renewal Area, no person may use any publicly amplified sound that contains commercial speech without a permit to do so from the Commissioner.

(City Code, 1976/83, art. 19, §§228, 229(b)(1st sen.).) (Ord. 99-548.)

§ 9-407. Noncommercial speech.

At all times in the Market Center Urban Renewal Area, no person may use any publicly amplified sound not containing commercial speech without a permit to do so from the Commissioner.

(City Code, 1976/83, art. 19, §229(a)(1st sen.).) (Ord. 99-548.)

§ 9-408. Loud and raucous sounds prohibited.

All loud and raucous sound is prohibited in the Market Center Urban Renewal Area. The receipt of a permit is not a defense to a charge of producing or causing any loud and raucous sound.

(City Code, 1976/83, art. 19, §229(e).) (Ord. 99-548.)

§§ 9-409 to 9-411. {Reserved}

*PART III. PERMITS***§ 9-412. Applications.***(a) Form.*

An application for a permit must be made in the form that the Commissioner requires.

(b) Contents.

In addition to any other information that the Commissioner requires, the application must contain:

- (1) the name of the applicant;
- (2) the location of the property for which the permit is requested;
- (3) the dates and hours for which the exemption is requested;
- (4) the equipment that will be used to amplify sound; and
- (5) a statement as to whether the sound will contain commercial speech.

(Ord. 99-548.)

§ 9-413. Review and issuance.*(a) In general.*

The Commissioner must:

- (1) review each application for a permit within 3 days of its submission; and
- (2) on a reasonable showing that the amplifying equipment will not be used to produce loud and raucous sounds, promptly issue the permit to the applicant.

(b) Speech content not to be considered.

Except as needed to verify the noncommercial nature of any proposed speech, the Commissioner may not inquire into the content of the speech sought to be amplified.

(c) Fees.

The Commissioner may not charge a fee for the permit.

(d) Term.

Each permit:

- (1) is valid for 60 days; and

(2) may be renewed an indefinite number of times.
(City Code, 1976/83, art. 19, §§ 229(a)(2nd sen.), (b)(2nd sen.), (c), (d), 230(a)(1st sen.).) (Ord. 99-548.)

§ 9-414. Judicial review of denied application.

(a) Commissioner to seek review.

Within 3 days after the Commissioner of Health denies any application for a permit, the Commissioner must:

- (1) apply to the Circuit Court for Baltimore City for a review of the denial; and
- (2) notify the applicant by first class mail of this action.

(b) Absence of Court decision.

If the Court does not render a decision within 10 days of the permit denial, the applicant may proceed as if a permit had been granted, subject to:

- (1) the same restrictions and obligations that apply to permits issued under this subtitle; and
- (2) immediate termination of all electronic amplification if the Court later affirms the Commissioner's denial.

(c) Appeal of decision.

If the Court affirms the Commissioner's denial of the permit, the Commissioner must cooperate with any motion for expedited appeal made by the applicant.
(City Code, 1976/83, art. 19, §230(a)(2nd, 3rd sens.), (b), (c), (d).) (Ord. 99-548.)

§§ 9-415 to 9-416. {Reserved}

PART IV. PENALTIES

§ 9-417. Enforcement by citation.

(a) In general.

In addition to any other civil or criminal remedy or enforcement procedure, this subtitle may be enforced by issuance of:

- (1) an environmental citation under City Code Article 1, Subtitle 40 {"Environmental Control Board"}; or
- (2) a civil citation under City Code Article 1, Subtitle 41 {"Civil Citations"}.

(b) *Process not exclusive.*

The issuance of a citation to enforce this subtitle does not preclude pursuing any other civil or criminal remedy or enforcement action authorized by law.

(Ord. 99-548; Ord. 03-595.)

§ 9-418. Penalties: \$500 and 10 days.

Any person who violates any provision of this subtitle is guilty of a misdemeanor and, on conviction, is subject to a fine of not more than \$500 or to imprisonment for not more than 10 days or to both fine and imprisonment for each offense.

(City Code, 1976/83, art. 19, §231.) (Ord. 99-548.)

TITLE 10
ANIMAL CONTROL AND PROTECTION

SUBTITLE 1
DEFINITIONS; GENERAL PROVISIONS

§ 10-101. Definitions.

(a) *In general.*

In this title, the following terms have the meanings indicated.
(*City Code, 1976/83, art. 19, §231.*) (*Ord. 99-548.*)

(a-1) *Alter.*

“Alter” means to surgically or chemically render an animal incapable of reproducing.
(*Ord. 00-024.*)

(b) *Animal.*

“Animal” means any non-human vertebrate.
(*City Code, 1976/83, art. 11, §24(1).*) (*Ord. 99-548.*)

(c) *Animal clinic.*

“Animal clinic” means any facility that is regularly used by a veterinarian for the immunization, diagnosis, or treatment of or surgery on animals.
(*City Code, 1976/83, art. 11, §24(2), (32).*) (*Ord. 99-548.*)

(d) *Animal shelter.*

“Animal shelter” means any facility that is owned or operated by or under contract with the City or a humane society for the care or detention of animals under authority of State or City law.
(*City Code, 1976/83, art. 11, §24(4).*) (*Ord. 99-548.*)

(e) *Animal show.*

“Animal show” means any commercial circus, variety show, spectacle, display, act, or event in which animals perform.
(*City Code, 1976/83, art. 11, §24(9), (25).*) (*Ord. 99-548.*)

(f) *Bureau.*

“Bureau” means the Bureau of Animal Control in the Department of Health.
(*City Code, 1976/83, art. 11, §24(7).*) (*Ord. 99-548.*)

(g) *Commercial establishment.*

“Commercial establishment” means any:

- (1) animal auction;
- (2) animal show;
- (3) commercial kennel;
- (4) grooming shop or similar facility where animals are bathed, clipped, plucked, or otherwise groomed for a fee;
- (5) pet shop;
- (6) stable or other riding, boarding, sales, or breeding facility for horses, ponies, donkeys, mules, or burros; or
- (7) zoological park.

(City Code, 1976/83, art. 11, §24(10), (16), (30).) (Ord. 99-548.)

(h) *Commercial kennel.*

(1) *In general.*

“Commercial kennel” means, except as specified in paragraph (2) of this subsection, any kennel:

- (i) for the commercial breeding of dogs or cats; or
- (ii) where dogs or cats are boarded, groomed, sold, or trained for a fee.

(2) *Exclusions.*

“Commercial kennel” does not include any:

- (i) animal clinic; or
- (ii) kennel maintained by a dog fancier who owns or keeps dogs for the non-commercial purposes of hunting, practice tracking, or exhibition in dog shows or in field or obedience trials.

(City Code, 1976/83, art. 11, §24(11), (14), (15).) (Ord. 99-548.)

(i) *Dangerous animal.*

“Dangerous animal” means any animal that:

- (1) has bitten or attacked a human being or another animal without provocation; or

- (2) presents a physical threat to human beings or to other animals due to a disposition or propensity to cause injury or to behave in a way that could reasonably be expected to cause injury, regardless of whether its behavior is hostile.

(City Code, 1976/83, art. 11, §24(33).) (Ord. 99-548.)

(j) *Humane society.*

“Humane society” means an entity incorporated under the laws of this State for the prevention of cruelty to animals.

(City Code, 1976/83, art. 11, §24(19).) (Ord. 99-548.)

(k) *Keeper.*

“Keeper” means any person:

- (1) who has legal title to, a property interest in, or permanent custody of any animal regulated by this subtitle; or

- (2) who, for 3 days or more, has temporary custody of, keeps, possesses, regularly feeds, or exercises control over any animal.

(City Code, 1976/83, art. 11, §24(20), (24).) (Ord. 99-548; Ord. 00-024.)

(l) *Kennel.*

“Kennel” means any premises or part of any premises where 3 or more dogs or cats over 6 months old are boarded or maintained.

(City Code, 1976/83, art. 11, §24(21).) (Ord. 99-548.)

(m) *Pet.*

“Pet” means any animal kept for pleasure rather than utility.

(City Code, 1976/83, art. 11, §24(26).) (Ord. 99-548.)

(n) *Pet shop.*

“Pet shop” means any establishment, whether maintained separately or in connection with another commercial enterprise, that offers live animals for sale with the intent or expectation that they be kept as pets.

(City Code, 1976/83, art. 11, §24(27).) (Ord. 99-548.)

(o) *Private kennel.*

“Private kennel” means any kennel that is not a commercial kennel.

(Ord. 99-548.)

(p) *Veterinarian.*

“Veterinarian” means an individual authorized by law to practice veterinary medicine in the State of Maryland.

(Ord. 99-548.)

(q) *Vicious dog.*

(1) *In general.*

“Vicious dog” means any dog that:

- (i) has bitten or attacked a human being or another animal; or
- (ii) has attempted to bite or attack a human being or another animal and was prevented from doing so only because it was restrained by a leash, fence, or other means.

(2) *Exclusions — instigation by other.*

“Vicious dog” does not include a dog that has bitten or attacked or has attempted to bite or attack if the injury, damage, or threat was sustained by one who:

- (i) at the time was committing a willful trespass or other tort on the premises occupied by the owner or keeper of the dog;
- (ii) was tormenting, abusing, or assaulting the dog;
- (iii) in the past has been observed or reported to have tormented, abused, or assaulted the dog; or
- (iv) was committing or attempting to commit a crime.

(3) *Exclusions — dog protecting young or in pain.*

“Vicious dog” does not include a dog that has bitten or attacked or attempted to attack or bite if the dog was:

- (i) protecting or defending itself, its young, or another animal; or
- (ii) responding to pain or injury.

(City Code, 1976/83, art. 11, §24(33a).) (Ord. 99-548; Ord. 00-073.)

(r) *Zoological park.*

(1) *In general.*

“Zoological park” means, except as specified in paragraph (2) of this subsection, any facility that displays or exhibits 1 or more species of animals.

(2) *Exclusions.*

“Zoological park” does not include any:

- (i) animal show;

(ii) kennel; or

(iii) pet shop.

(City Code, 1976/83, art. 11, §24(35).) (Ord. 99-548.)

§ 10-102. Bureau of Animal Control.

(a) *Bureau established.*

There is a Bureau of Animal Control in the Department of Health.

(b) *Director.*

The head of the Bureau is the Director of Animal Control, who is appointed by the Commissioner of Health from a list certified by the Civil Service Commission.

(c) *Staff.*

The Commissioner may appoint the staff of the Bureau as provided in Title 2 of this article.
(City Code, 1976/83, art. 11, §25(a).) (Ord. 99-548.)

§ 10-103. Animal Control Advisory Committee.

(a) *Advisory Committee established.*

There is an Animal Control Advisory Committee in the Department of Health.

(b) *Appointment.*

The Advisory Committee comprises 7 members, appointed by the Mayor under Article IV, § 6 of the City Charter.

(c) *Composition.*

Of the 7 members of the Advisory Committee:

- (1) 1 must be appointed from the Department of Public Works;
- (2) 1 must be appointed from the Police Department;
- (3) 1 must be appointed from a humane society with its principal office in the City;
- (4) 1 must be a veterinarian practicing in the City, to be chosen from a list of 3 names submitted by the Maryland Veterinary Medical Association; and
- (5) 3 must be residents of the City who are actively interested in the control of animals.

(d) *Chair.*

(1) From among the members, the Mayor designates the Chair of the Advisory Committee.

(2) The Chair serves until his or her term as a member expires.

(e) *Compensation.*

A member of the Advisory Committee:

(1) receives no compensation for his or her services on the Advisory Committee; but

(2) is entitled to reimbursement for necessary and proper expenses incurred in performing his or her duties as a member.

(f) *Duties.*

The Advisory Committee is responsible for assisting and advising the Commissioner of Health on animal control matters.

(City Code, 1976/83, art. 11, §25(b).) (Ord. 99-548.)

§ 10-104. Rules and regulations

The rules and regulations that the Commissioner adopts under § 2-106 of this article may include provisions:

(1) for the issuance of permits and licenses under this title;

(2) requiring the humane care of all animals;

(3) governing the general care and control of animals; and

(4) governing the operation of facilities subject to this title.

(City Code, 1976/83, art. 11, §§26(a), 28(b).) (Ord. 99-548.)

§ 10-105. Inspections; investigation of complaints.(a) *Inspections.*

(1) In accordance with § 2-107 {"Right of entry"} of this article, the Commissioner may inspect all animals and all premises where animals are kept.

(2) The right to make these inspections is a condition of the issuance of any license or permit issued under this title.

(b) *Complaints.*

The Commissioner must investigate all complaints of a violation of this title.

(City Code, 1976/83, art. 11, §§26(e), (g), 29(c).) (Ord. 99-548.)

§ 10-106. Fees.

With the approval of the Board of Estimates, the Commissioner may set fees and charges for:

- (1) the issuance and renewal of all licenses and permits issued under this title;
 - (2) the removal or disposal of dead animals by the City for any animal clinic, humane society, veterinary office, or other institution or agency; and
 - (3) any of the other services provided under this title.
- (City Code, 1976/83, art. 11, §26(b), (c).) (Ord. 99-548.)*

SUBTITLE 2
LICENSING

PART I. DOG AND CAT LICENSES

§ 10-201. License required.

(a) *In general.*

The keeper of any dog or cat must obtain and annually renew a license for that dog or cat, as provided in this Part I.

(b) *When to be obtained.*

The license must be obtained within 10 days of the following, whichever is later:

(1) when the dog or cat becomes 4 months old; or

(2) when the dog or cat was acquired by the owner, whether or not the previous owner has a license for the animal.

(City Code, 1976/83, art. 11, §27(a).) (Ord. 99-548; Ord. 00-024.)

§ 10-202. License fees.

(a) *Classes.*

The Commissioner must provide for the following classes of licenses:

(1) Class A Licenses, for:

(i) dogs and cats that have been altered; and

(ii) dogs and cats that have not been altered, but for which a licensed veterinarian certifies in writing that, because of age or bad health, the animal should not be altered.

(2) Class B License[s,] for disability service animals, whether or not altered.

(3) Class C Licenses, for all other dogs and cats.

(b) *Fees.*

(1) The annual license fee is as follows:

(i) Class A Licenses – \$10.

(ii) Class B Licenses – No fee.

(iii) Class C Licenses – \$30.

(2) For owners 65 years old or older, the annual fee for a license is 50% of the fee specified in paragraph (1) of this subsection.
(*Ord. 00-024; Ord. 02-323.*)

§ 10-203. Applications.

The application for a license must:

- (1) be in the form that the Commissioner of Health requires;
- (2) be accompanied by the required fee; and
- (3) contain:

- (i) the name and address of the applicant,
- (ii) a description of the dog or cat;
- (iii) proof of a still-current rabies vaccination; and

(iv) any other information that the Commissioner requires.
(*City Code, 1976/83, art. 11, §27(b).*) (*Ord. 99-548; Ord. 00-024.*)

§ 10-204. Issuance of licenses and tags.

(a) *In general.*

(1) On approval of the application and receipt of the required fee, the Bureau must issue the license.

(2) Together with the license, the Bureau must issue an identification tag that is:

- (i) durably constructed;
- (ii) designed so that it can be conveniently fastened or riveted to a well-fitted collar or harness; and
- (iii) stamped with the year of its issuance and an identifying number.

(b) *From animal shelter.*

For an unlicensed dog or cat that is reclaimed or adopted from an animal shelter, the animal shelter must:

(1) require a license application and the required fee to be submitted to it; and

(2) issue the license and identification tag for that dog or cat.
(*City Code, 1976/83, art. 11, §27(d).*) (*Ord. 99-548; Ord. 00-024.*)

§ 10-205. Term.

Unless sooner suspended or revoked, a dog or cat license expires annually on the anniversary of its issuance.

(City Code, 1976/83, art. 11, §27(c).) (Ord. 99-548; Ord. 00-024.)

§ 10-206. Records; replacements.

(a) Public record of identifying numbers.

The Commissioner must:

- (1) keep a record of the identifying numbers of all licenses issued; and
- (2) make this record available to the public and other City agencies.

(b) Replacements.

If a license or an identification tag is lost or destroyed, a replacement must be obtained and the required fee paid.

(City Code, 1976/83, art. 11, §27(f), (h).) (Ord. 99-548; Ord. 00-024.)

§ 10-207. Prohibited conduct.

No person may:

- (1) fail to obtain a license as required by this Part I;
- (2) permit any dog or cat for which the person is required to obtain a license to be outdoors at any time unless it is wearing a valid identification tag issued under this subtitle;
- (3) use any license or identification tag for any dog or cat other than the one for which it was issued;
- (4) use any license or identification tag that was issued to a previous keeper of the dog or cat;
- (5) remove any identification tag from any dog or cat without the consent of its owner or keeper;
- (6) use any microchip required under this subtitle for any dog or cat other than the one to which the microchip applies; or
- (7) except as authorized by the Commissioner, remove from any dog or cat any microchip required under this subtitle.

(City Code, 1976/83, art. 11, §27(e), (g), (i), (j).) (Ord. 99-548; Ord. 00-024; Ord. 02-323.)

§§ 10-208 to 10-209. {Reserved}

*PART II. FACILITY LICENSES***§ 10-210. License required.***(a) In general.*

No person may operate any of the following facilities without a license to do so from the Commissioner of Health, as provided in this Part II:

- (1) animal clinic;
- (2) animal shelter;
- (3) commercial establishment; or
- (4) private kennel.

(b) Separate permit for each facility.

Every facility subject to this title is considered a separate enterprise and requires a separate permit.

(City Code, 1976/83, art. 11, §28(a), (e), (h).) (Ord. 99-548.)

§ 10-211. Applications.

The application for a facility license must:

- (1) be in the form that the Commissioner of Health requires;
- (2) contain the information that the Commissioner requires; and
- (3) be accompanied by the required fee.

(Ord. 99-548.)

§ 10-212. Issuance — in general.

The Commissioner must issue the license if the applicant:

- (1) meets the requirements of this Part II; and
- (2) shows the willingness and ability to comply with the requirements of this title and the rules and regulations adopted under it.

(City Code, 1976/83, art. 11, §28(c).) (Ord. 99-548.)

§ 10-213. Issuance — private kennel in residential area.**(a) Scope of section.**

This section applies whenever a person applies for a license, other than a renewal license, to operate a private kennel in a Residence or Office-Residence zoning district.

(b) Posting notice.

(1) Before the license may be issued, the applicant must post notice of the application on the proposed premises for at least 10 days.

(2) The notice must be in the form that the Commissioner requires.

(c) Issuance on lack of objection.

The Commissioner of Health must issue the license if:

(1) within the 10-day posting period, no written objection is received by the Commissioner; and

(2) the applicant otherwise qualifies under this subtitle for the license.

(d) Hearing on objection.

(1) If a written objection is received by the Commissioner, the Commissioner must hold a public hearing at which all interested persons have an opportunity to be heard.

(2) The license may be denied only in a written statement that specifies the reasons for the denial.

(City Code, 1976/83, art. 11, §29(g).) (Ord. 99-548.)

§ 10-214. Term.

Unless sooner suspended or revoked, a facility license expires on June 30 of each year.
(City Code, 1976/83, art. 11, §28(d).) (Ord. 99-548.)

§ 10-215. Dog and cat records.**(a) Required records.**

Every facility that sells or gives away any dog or cat must keep a record of:

(1) the name, address, and telephone number of the person to whom the dog or cat was sold or given; and

(2) the breed, color, sex, and age of the dog or cat.

(b) *Retention and inspection.*

The facility must:

- (1) retain these records for at least 2 years; and
- (2) make them available for inspection by the Bureau of Animal Control during normal business hours.

(Ord. 00-024.)

§ 10-216. Prohibited conduct.

No person may operate any facility subject to this Part II in violation of:

- (1) any condition imposed on the facility's license; or
- (2) any provision of this title or of a rule or regulation adopted under this title.

(Ord. 99-548; Ord. 00-024.)

§§ 10-217 to 10-218. {Reserved}

PART III. DENIALS, SUSPENSIONS, AND REVOCATIONS

§ 10-219. Grounds for denial, suspension, or revocation.

Subject to the hearing provisions of Title 2, Subtitle 3 {"Administrative Hearings"} of this article, the Commissioner of Health may deny, suspend, or revoke any dog or cat license or any facility license issued under this subtitle if the applicant or licensee:

- (1) has withheld or falsified any information on an application;
- (2) at any time, has been convicted of cruelty to animals;
- (3) during the preceding year, has failed to reclaim an impounded animal within the time required by § 10-308 of this title;
- (4) during the preceding year, has surrendered an animal after receiving a violation notice or citation; or
- (5) within any 12-month period, has committed 3 or more violations of this title for which the applicant or licensee:
 - (i) has been convicted; or
 - (ii) received environmental or civil citations that have been disposed of other than by a decision of "not guilty".

(City Code, 1976/83, art. 11, §28(d).) (Ord. 99-548; Ord. 00-024; Ord. 03-595.)

§ 10-220. Additional grounds for suspension or revocation — in general.

Subject to the hearing provisions of Title 2, Subtitle 3 {“Administrative Hearings”} of this article, the Commissioner also may suspend or revoke any dog or cat license or any facility license issued under this subtitle if the licensee neglects, refuses, or otherwise fails to comply with any provision of:

(1) this title;

(2) a rule or regulation adopted under this title; or

(3) any other law governing the keeping and protection of animals.

(City Code, 1976/83, art. 11, §§26(d), 29(a).) (Ord. 99-548; Ord. 00-024.)

§ 10-221. Additional grounds for suspension or revocation — private kennel in residential area.

(a) *Scope of section.*

This section applies to any private kennel in a Residence or Office-Residence zoning district.

(b) *Hearing on objection.*

(1) Except as specified in paragraph (2) of this subsection, if, within a 60-day period, 3 or more individuals of different households complain in writing to the Commissioner about a private kennel in a Residence or Office-Residence District, the Commissioner must hold a public hearing on the suspension or revocation of the kennel license.

(2) A hearing may not be held under this section if one was held within the past 18 months and the Commissioner determined that there are insufficient grounds for the suspension or revocation of the kennel license.

(City Code, 1976/83, art. 11, §29(h).) (Ord. 99-548.)

§ 10-222. No refund on suspension or revocation.

No part of a license fee may be refunded when the license is suspended or revoked.

(City Code, 1976/83, art. 11, §29(b)(2nd cl.).) (Ord. 99-548.)

§ 10-223. Disposing of animals on revocation.

Any person whose license is revoked must, within 10 days:

(1) humanely kill all animals owned or kept by that person; or

(2) sell or give the animals to a person willing to accept them.

(City Code, 1976/83, art. 11, §29(b)(1st cl.).) (Ord. 99-548.)

§ 10-224. Reapplication after denial or revocation.

Any person who is denied a dog or cat license or a facility license under this subtitle or has had a license revoked under this subtitle may not reapply for 1 year.
(City Code, 1976/83, art. 11, §29(f).) (Ord. 99-548; Ord. 00-024.)

SUBTITLE 3
GENERAL CARE AND CONTROL

§ 10-301. Rabies — vaccinations.

(a) *Vaccination required.*

No person may own or keep a dog or cat that is older than 4 months unless it has a current rabies vaccination.

(b) *Certificate required.*

(1) Any person who brings a dog or cat over 4 months old into the City must have readily available a current rabies vaccination certificate signed by a veterinarian or issued by an approved government agency.

(2) A dog or cat for which there is no evidence of a current vaccination must immediately be:

(i) vaccinated by a veterinarian; or

(ii) removed from the City.

(c) *Unlicensed dog or cat presumed unvaccinated.*

Any unlicensed dog or cat that is older than 4 months is presumed to be unvaccinated. This presumption can be rebutted only by a current rabies vaccination certificate signed by a veterinarian or issued by an approved government agency.

(d) *Issuance of certificates.*

(1) Any veterinarian who administers a rabies vaccination to an animal must complete a vaccination certificate and give a copy of the certificate to the animal's owner or keeper.

(2) In addition to any other information that the Commissioner requires, the certificate must state:

(i) the date the vaccination was administered; and

(ii) the vaccination's expiration date.

(e) *Commissioner may operate anti-rabies clinics.*

The Commissioner may operate rabies vaccination clinics and charge reasonable fees to defray the cost of the services provided.

(City Code, 1976/83, art. 11, §§27(k), 35(a) - (c).) (Ord. 99-548; Ord. 00-024.)

§ 10-302. Rabies — possible exposure.**(a) Required reporting.**

A person must immediately, by telephone or in person, report to the Commissioner and the Baltimore City Police Department whenever that person has knowledge of:

- (1) any animal susceptible to rabies that has bitten or scratched any human being or otherwise has exposed any human being to a possible rabies infection; or
- (2) any other animal that is suspected of having rabies.

(b) Isolation and examination of animal.

- (1) The animal must be isolated in the manner and for the period that the Commissioner directs.
- (2) At any time during the isolation, the Commissioner or the owner or keeper of the animal may direct that the animal be humanely killed for the purpose of rabies testing.

(c) Expenses.

The isolation of an animal under this section is at the expense of the animal's owner or keeper.

(d) Release of animal.

An animal isolated under this section may be released only:

- (1) with the consent of the Commissioner; and
- (2) on payment of:
 - (i) the fee set for each day or part of a day that the animal was held; and
 - (ii) all costs incurred during the isolation.

(City Code, 1976/83, art. 11, §35(d), (e).) (Ord. 99-548.)

§ 10-303. Humane care required.

Every owner or keeper of an animal must provide the animal with humane care and treatment, including:

- (1) sufficient and wholesome food and water;
- (2) proper shelter and protection from the weather;
- (3) sufficient exercise space; and
- (4) veterinary care when needed to prevent suffering.

(City Code, 1976/83, art. 11, §32(a).) (Ord. 99-548.)

§§ 10-304 to 10-305. {Reserved}**§ 10-306. Owner to prevent nuisance.**

Every owner or keeper of an animal must exercise proper care and control to prevent the animal from becoming a public nuisance.

(City Code, 1976/83, art. 11, §30(b).) (Ord. 99-548.)

§ 10-307. Restraints required.**(a) *In general.***

All animals must be restrained:

- (1) as required by this section; and
- (2) in the case of a dangerous animal, as required by § 10-602 of this title.

(b) *Dogs.*

All dogs must be kept:

- (1) confined in a building or secure enclosure; or
- (2) secured by a leash or otherwise.

(c) *Female dogs or cats in heat.*

Every female dog or cat in heat must be confined in a building or secure enclosure so that it cannot come into contact with a male dog or cat, except for planned breeding.

(City Code, 1976/83, art. 11, §§24(29), 30(a), (c).) (Ord. 99-548.)

§ 10-308. Impounding animals – In general.**(a) *Scope of section.***

This section applies to:

- (1) any dog or cat that is unlicensed, not wearing a valid identification tag while outdoors, or otherwise in violation of § 10-207 {"Prohibited conduct"} of this subtitle; and
- (2) any animal that is not restrained as required by § 10-307 {"Restraints required"} of this subtitle or otherwise by law.

(b) *Seizure of animal.*

- (1) An animal described in subsection (a) of this section may be seized by the Bureau or by any police officer, humane officer, designated employee of the Department, or other person contracting with the City to do so.

(2) For this purpose, these persons may pursue the animal onto any public or private property.

(c) *Impoundment.*

(1) An animal seized under this section must be taken to an animal shelter and impounded there in a humane manner.

(2) If the owner or keeper of the animal can be identified, the animal shelter must immediately notify the owner or keeper by telephone or mail.

(3) An impounded animal must be kept for at least 5 days, unless sooner reclaimed by its owner or keeper.

(d) *Owner responsible for charges.*

(1) The owner or keeper of an impounded animal must pay:

(i) the fee set for each day the animal has been impounded; and

(ii) all other costs incurred in maintaining the animal, including boarding and inoculations.

(2) The owner or keeper must pay these fees and costs:

(i) when reclaiming the animal; or

(ii) if the animal is not reclaimed, within 10 days of receiving a bill for them.

(e) *Unclaimed animals.*

Any animal that is not reclaimed within the time specified in subsection (c) of this section:

(1) becomes the property of the Mayor and City Council of Baltimore; and

(2) must be:

(i) placed for adoption in a suitable home; or

(ii) humanely killed.

(City Code, 1976/83, art. 11, § 26(f), 31(a) - (d), 31(e)(1st cl.) .) (Ord. 99-548; Ord. 00-024; Ord. 02-323.)

§ 10-309. Impounding animals – Dogs and cats.

(a) *Scope of section.*

This sections applies to any dog or cat that has been impounded under §10-308 of this subtitle or under any other provision of law.

(b) *Assessment of dog.*

- (1) During the impoundment of any dog, the Bureau must assess the dog to determine whether it is a vicious dog.
- (2) If the Bureau reasonably believes that the dog is a vicious dog, the Bureau must:
 - (i) submit a written investigation report to the Vicious Dog Hearing Board; and
 - (ii) retain the dog pending a hearing under Subtitle 7 {"Vicious Dogs"} of this title.

(c) *Conditions for return to owner.*

- (1) On a first or subsequent impoundment of a dog or cat, the Commissioner may require that, as a condition for the animal's return to its owner or keeper:
 - (i) a microchip, containing the information the Commissioner specifies, be surgically implanted in the animal; and
 - (ii) the owner or keeper agree to keep the information current, as directed by the Commissioner.
- (2) On a second or subsequent impoundment, the Commissioner may require that, as a condition of the animal's return to its owner or keeper, the animal be altered.
- (3) The costs incurred in these procedures must be paid by the owner or keeper when reclaiming the animal.

(Ord. 02-323.)

§ 10-310. Altering unclaimed dogs or cats.

The Commissioner may cause any unclaimed dog or cat to be altered before its release for adoption or otherwise.

(City Code, 1976/83, art. 11, §39.) (Ord. 99-548; Ord. 00-024; Ord. 02-323.)

§ 10-311. {Reserved}

§ 10-312. Vietnamese pot bellied pigs.

No person may keep any Vietnamese pot bellied pig without a permit to do so from the Commissioner of Health.

(City Code, 1976/83, art. 11, §32(h).) (Ord. 99-548.)

§ 10-313. Animal waste.

The owner or keeper of any animal must remove all excretions left by the animal on a public walk, recreation area, or private property.

(City Code, 1976/83, art. 11, §36.) (Ord. 99-548.)

§ 10-314. Injury by vehicle.

If a motor vehicle hits or is hit by an animal, the driver of the motor vehicle must immediately:

(1) stop the vehicle; and

(2) if the animal is injured or killed, report the accident to:

(i) the Baltimore City Police Department; and

(ii) the animal's owner or keeper, if the owner or keeper can be determined and located.
(*City Code, 1976/83, art. 11, §33(f), art. 19, §15.*) (*Ord. 99-548.*)

§ 10-315. Misrepresentation to obtain custody.

No person may willfully misrepresent that person's identity or address when seeking to obtain the custody of any dog, cat, or other animal.
(*City Code, 1976/83, art. 11, §37(1st sen.).*) (*Ord. 99-548.*)

SUBTITLE 4
ANIMAL PROTECTION

§ 10-401. Neglect of animal.

No person may neglect to provide humane care and treatment, as described in § 10-303 {"Humane care required"} of this title, for any animal that the person owns, keeps, restrains, or confines, whether as a pet or for any other purpose.

(*City Code, 1976/83, art. 19, §13.*) (*Ord. 99-548.*)

§ 10-402. Abandonment of animal.

No person may desert or abandon any animal that the person owns, keeps, restrains, or confines, whether as a pet or for any other purpose.

(*City Code, 1976/83, art. 11, §32(c). art. 19, §19.*) (*Ord. 99-548.*)

§ 10-403. Abuse of animal.

No person may abuse, beat, torment, mistreat, overload, overwork, or otherwise wilfully cause injury or suffering to any animal.

(*City Code, 1976/83, art. 11, §32(b)(1st cl.), art. 19, §14.*) (*Ord. 99-548.*)

§§ 10-404 to 10-405. {Reserved}

§ 10-406. Animal fights.

(a) *"Animal fight" defined.*

In this section, "animal fight" means any dogfight, cockfight, bullfight, or other combat between animals or between animals and humans.

(b) *Prohibited conduct.*

No person may:

- (1) conduct, cause, or participate in any animal fight;
- (2) permit any animal that the person owns or keeps to participate in an animal fight;
- (3) prepare any animal for an animal fight; or
- (4) wager on any animal fight.

(*City Code, 1976/83, art. 11, §32(b)(2nd cl.), art. 19, §10.*) (*Ord. 99-548.*)

§ 10-407. Animal shows.**(a) *Certain devices prohibited.***

No animal show may be conducted or held if any animal is induced or encouraged to perform through the use of any chemical, mechanical, electrical, or manual device that is likely to cause physical injury or suffering.

(b) *Proper equipment required.*

All equipment used on or by a performing animal must fit properly and be in good working condition.

(*City Code, 1976/83, art. 11, §34.*) (*Ord. 99-548.*)

§ 10-408. Exposure to poisons.

No person may use or expose any pesticide or poison, whether mixed with food or not, without taking all necessary precautions to protect non-target animals from exposure to the pesticide or poison.

(*City Code, 1976/83, art. 11, §32(g).*) (*Ord. 99-548.*)

§ 10-409. Confinement in cage.

No person may confine any animal in a cage that consists entirely of solid walls.

(*City Code, 1976/83, art. 11, §24(8)(2nd sen.).*) (*Ord. 99-548.*)

§§ 10-410 to 10-411. {Reserved}**§ 10-412. Animals as prizes or inducements.**

No person may give away or offer to give away any live animal:

(1) as a prize for or as an inducement to enter any contest, game, or other competition;

(2) as an inducement to enter a place of amusement; or

(3) as an incentive to enter into any business agreement.

(*City Code, 1976/83, art. 11, §32(e).*) (*Ord. 99-548.*)

§ 10-413. Chicks and ducklings.**(a) *Quantities.***

No person may sell chicks or ducklings younger than 8 weeks in any quantity less than 25.

(b) *Coloring at Easter.*

During the 2-week period immediately before and the 2-week period immediately after Easter Day, no person may:

(1) color, dye, or otherwise impart an artificial color on any living chick or duckling; or

(2) sell or offer for sale, any living chick or duckling that has been colored, dyed, or otherwise treated so as to impart an artificial color.

(City Code, 1976/83, art. 11, §32(d), art. 19, §4.) (Ord. 99-548.)

§ 10-414. Fowl tied by legs.

No person may offer for sale any live fowl that is tied by the legs.

(City Code, 1976/83, art. 19, §11.) (Ord. 99-548.)

§ 10-415. Molesting birds.

No person may:

(1) kill, injure, molest, or attempt to kill, injure, or molest, in any way, any migratory bird or any sparrow, robin, wren, or other insectivorous bird on any of the streets, public squares, or parks in the City; or

(2) destroy, remove, or attempt to destroy or remove, any box placed in any tree or other suitable place in the City for the use of these birds.

(City Code, 1976/83, art. 19, §5.) (Ord. 99-548.)

SUBTITLE 5
ANIMALS DISTURBING THE PEACE

PART I. DEFINITIONS; GENERAL PROVISIONS

§ 10-501. “Complaint” defined.

In this subtitle, “complaint” means a written complaint to the Bureau of Animal Control that:

(1) is signed by at least 2 individuals from different households; or

(2) is sworn or affirmed to by at least 1 individual, in the form that the Bureau requires.
(*Ord. 99-548.*)

§ 10-502. Prohibited conduct.

No owner or keeper of any animal may allow the animal to disturb the peace of any person or neighborhood.

(*City Code, 1976/83, art. 11, §40(a).*) (*Ord. 99-548.*)

§ 10-503. Special procedures for vicious dogs.

If, during any investigation made under this subtitle, the Bureau reasonably believes that any dog on the premises is a vicious dog, the Bureau must:

(1) immediately impound the dog;

(2) submit a written investigation report to the Vicious Dog Hearing Board; and

(3) retain the dog pending a hearing under Subtitle 7 {“Vicious Dogs”} of this title.
(*City Code, 1976/83, art. 11, §40(b)(2).*) (*Ord. 99-548.*)

§§ 10-504 to 10-505. {Reserved}

PART II. COMPLAINT PROCESS

§ 10-506. First complaint.

(a) *In general.*

On a first complaint that an animal is disturbing the peace, the Bureau of Animal Control must:

(1) investigate the complaint;

(2) identify and document all prior violations of this title attributable to the animal’s owner or keeper;

(3) provide the owner or keeper with information on responsibilities and liabilities under this title; and

- (4) except in the case of an animal that has bitten or attacked a human being or another animal without provocation, serve the owner or keeper with a warning notice that documents the violations of this title.

(b) *Animal bite or attack.*

In the case of an animal that has bitten or attacked a human being or another animal without provocation, the Bureau must proceed as provided in § 10-508(b) for dangerous animals.
(*City Code, 1976/83, art. 11, §40(b)(1), (g), (h).*) (*Ord. 99-548.*)

§ 10-507. Second complaint.

On a second complaint that the same animal is again disturbing the peace, the Bureau of Animal Control must:

- (1) investigate the complaint; and
- (2) if a violation is found to have occurred, cause the owner or keeper to be served with:
 - (i) an environmental citation under City Code Article 1, Subtitle 40 {"Environmental Control Board"}; or
 - (ii) a civil citation under City Code Article 1, Subtitle 41 {"Civil Citations"}.

(*City Code, 1976/83, art. 11, §49(c).*) (*Ord. 99-548; Ord. 03-595.*)

§ 10-508. Third complaint.

(a) *In general.*

On a third complaint that the same animal is again disturbing the peace, the Bureau of Animal Control must:

- (1) investigate the complaint; and
- (2) if a violation is found to have occurred, other than one relating to dangerous animals, cause the owner or keeper to be served with:
 - (i) an environmental citation under City Code Article 1, Subtitle 40 {"Environmental Control Board"}; or
 - (ii) a civil citation under City Code Article 1, Subtitle 41 {"Civil Citations"}.

(b) *Dangerous animals.*

- (1) In the case of a violation of the provisions relating to dangerous animals (other than vicious dogs), the Bureau must promptly seize the animal, permanently removing it from the owner or keeper and from the neighborhood.

(2) Within 10 days after the animal is seized, the owner or keeper may apply in writing to the Commissioner for a hearing to regain possession of the animal.
(*City Code, 1976/83, art. 11, §40(d).*) (*Ord. 99-548; Ord. 03-595.*)

§ 10-509. Fourth complaint.

(a) *In general.*

On a fourth complaint that the same animal is again disturbing the peace, the Bureau of Animal Control must:

- (1) investigate the complaint; and
- (2) if a violation is found to have occurred, except as described in subsection (b) of this section, cause the owner or keeper to be served with:
 - (i) an environmental citation under City Code Article 1, Subtitle 40 {"Environmental Control Board"}; or
 - (ii) a civil citation under City Code Article 1, Subtitle 41 {"Civil Citations"}.

(b) *Same animal and violation within certain period.*

- (1) If the current violation relates to the same animal and the same violation for which a warning notice and 2 citations were issued over a period of at least 120 days, but within a period of 1 year, the Bureau must:
 - (i) promptly seize the animal;
 - (ii) remove it from the owner or keeper and from the neighborhood; and
 - (iii) board the animal for at least 3 weeks, unless it is sooner reclaimed by its owner or keeper.
- (2) Within 5 days after the animal is seized, the owner or keeper may apply in writing to the Commissioner for a hearing to contest any fee, fine, or expense imposed under this subtitle.
- (3) Within 3 weeks after the animal is seized, the owner or keeper may reclaim the animal on payment of:
 - (i) all outstanding fines; and
 - (ii) all expenses incurred by the Bureau for transporting, feeding, caring for, and boarding the animal.

(*City Code, 1976/83, art. 11, §40(e).*) (*Ord. 99-548; Ord. 03-595.*)

§§ 10-510 to 10-511. {Reserved}

§ 10-512. Holding animal pending appeal.**(a) *Bureau to hold animal.***

The Bureau of Animal Control must continue to hold an animal seized under this subtitle until all appeals are completed.

(b) *Expenses of holding animal.*

If the final decision upholds the seizure and removal, all costs incurred by the Bureau from the time of the seizure to that final decision are a personal debt due to the City by the owner or keeper of the animal.

(City Code, 1976/83, art. 11, §40(f).) (Ord. 99-548.)

SUBTITLE 6
WILD AND DANGEROUS ANIMALS

§ 10-601. Attack dogs.

(a) *“Attack dog” defined.*

“Attack dog” means a dog that is trained to attack:

- (1) on command; or
- (2) to protect persons or property.

(b) *Keeping or training prohibited.*

Except as specified in subsection (c) of this section, no person may keep or train any attack dog in the City.

(c) *Exception.*

This section does not apply to a dog owned by and working for a law enforcement or other governmental agency.

(City Code, 1976/83, art. 11, §§24(6), 40A(a)(1)(ii), (h).) (Ord. 99-548.)

§ 10-602. Dangerous animals.

(a) *Restraints required.*

Every dangerous animal must be:

- (1) confined in a building or secure enclosure; and
- (2) whenever off the premises of its owner or keeper:
 - (i) securely caged; or
 - (ii) muzzled and leashed.

(b) *Keeping for display prohibited.*

- (1) Except as specified in paragraph (2) of this subsection, no person may keep or allow to be kept on that person’s premises any dangerous animal for display or exhibition purposes, whether a fee is charged or not.

- (2) This subsection does not apply to any animal show or zoological park licensed under this title.

(City Code, 1976/83, art. 11, §§24(29), 30(d), 33(a).) (Ord. 99-548.)

§ 10-603. Wild animals.**(a) Definitions.****(1) In general.**

In this section, the following terms have the meanings indicated.

(2) Dangerous reptile.

“Dangerous reptile” means any reptile that is:

- (i) poisonous; or
- (ii) more than 5 feet long.

(3) Wild animal.

“Wild animal” means any:

- (i) warm-blooded animal that normally is found in the wild;
- (ii) bird; or
- (iii) dangerous reptile.

(b) Keeping for display prohibited.

- (1) Except as specified in paragraph (2) of this subsection, no person may keep or allow to be kept on that person’s premises any wild animal for display or exhibition purposes, whether a fee is charged or not.
- (2) This subsection does not apply to any animal show or zoological park licensed under this title.

(c) Permit required to keep as pet.

No person may keep any wild animal as a pet without a permit from the Commissioner to do so.

(d) Keeping reptiles.

In addition to the other restrictions of this section, no person may:

- (1) keep or allow to be kept in any dwelling any dangerous reptile for any purpose; or
- (2) permit any minor to keep, possess, or handle any dangerous reptile.

(e) *Temporary permit for homeless infant.*

(1) The Commissioner may issue a temporary permit to keep, care for, and protect an infant wild animal that is native to this area and homeless.

(2) The Commissioner may order the release of any infant wild animal kept under a temporary permit as soon as the animal is capable of survival in the wild.

(City Code, 1976/83, art. 11, §§24(34), 33, art. 19, §143.) (Ord. 99-548.)

§§ 10-604 to 10-605. {Reserved}

§ 10-606. Importation of wild rabbits and hares.

(a) *Definitions.*

(1) *In general.*

In this section, the following terms have the meanings indicated.

(2) *Wild rabbit or hare.*

“Wild rabbit or hare” means any rabbit or hare that has not been bred and supervised in a properly maintained rabbitry.

(b) *Prohibited conduct.*

Except as specified in subsection (c) of this section, no person may:

(1) bring or import into the City, for sale, any wild rabbit or hare, dead or alive; or

(2) sell or offer for sale in the City any imported wild rabbit or hare, dead or alive.

(c) *Exceptions.*

This section does not apply to the importation of wild rabbits or hares by the following, if done in conformity with the rules and regulations of the Commissioner:

(1) zoological park licensed under this title; or

(2) a laboratory in which scientific research is carried out.

(City Code, 1976/83, art. 19, §§127, 128.) (Ord. 99-548.)

SUBTITLE 7
VICIOUS DOGS

§ 10-701. “Board” defined.

In this subtitle, “Board” means the Vicious Dog Hearing Board.
(*Ord. 99-548.*)

§ 10-702. Keeping vicious dog prohibited.

(a) *In general.*

Except as specified in subsection (b) of this section, no person may keep any vicious dog in the City.

(b) *Exception.*

This subtitle does not apply to a dog owned by and working for a law enforcement or other governmental agency.
(*City Code, 1976/83, art. 11, §40A(a)(1)(i), (h).*) (*Ord. 99-548.*)

§ 10-703. Vicious dogs at large.

If an agent of the Bureau of Animal Control or a police officer finds a dog at large, and if the agent or police officer reasonably determines that the dog is a vicious dog and cannot be taken up or tranquilized and impounded, the agent or police officer may kill the dog.
(*City Code, 1976/83, art. 11, §40A(g).*) (*Ord. 99-548.*)

§§ 10-704 to 10-705. {Reserved}

§ 10-706. Vicious Dog Hearing Board — establishment and organization.

(a) *Board established.*

There is a Vicious Dog Hearing Board in the Department.

(b) *Appointment; qualifications.*

(1) The Board comprises 3 members appointed by the Animal Control Advisory Committee.

(2) The members of the Board must have expertise in animal behavior.

(c) *Term.*

A member of the Board serves for a term of 2 years and until a successor is appointed and qualifies.

(d) *Compensation.*

Members may be compensated as provided in the Ordinance of Estimates.
(City Code, 1976/83, art. 11, §40A(b)(1), (2).) (Ord. 99-548.)

§ 10-707. Vicious Dog Hearing Board — rules and regulations.

(a) *Board may adopt.*

The Board may adopt rules and regulations to govern its hearings and other procedures.

(b) *Filing with Legislative Reference.*

A copy of all rules and regulations must be filed with the Department of Legislative Reference before they may take effect.
(City Code, 1976/83, art. 11, §40A(b)(3).) (Ord. 99-548.)

§§ 10-708 to 10-709. {Reserved}

§ 10-710. Complaints to Bureau.

(a) *In general.*

Any person who believes that a dog is a vicious dog may file a written complaint with the Bureau of Animal Control.

(b) *Contents of complaint.*

The complaint must:

(1) describe the dog;

(2) identify where it is located; and

(3) state in clear language how the dog is vicious.

(City Code, 1976/83, art. 11, §40A(c).) (Ord. 99-548.)

§ 10-711. Investigations.

(a) *Policy.*

The Bureau's policy is to take complaints about vicious dogs very seriously.

(b) *Bureau to investigate.*

The Bureau will make every effort to investigate every complaint.
(City Code, 1976/83, art. 11, §40A(d)(1).) (Ord. 99-548.)

§ 10-712. Report and impoundment.

If the Bureau reasonably believes that a dog is a vicious dog, the Bureau must:

(1) submit a written investigation report to the Vicious Dog Hearing Board; and

(2) impound the dog pending a hearing by the Board under this subtitle.

(City Code, 1976/83, art. 11, §40A(d)(2).) (Ord. 99-548.)

§ 10-713. Board hearing.

(a) *Hearing required.*

The Vicious Dog Hearing Board must conduct a public hearing on the question of whether a dog is a vicious dog.

(b) *Notice.*

(1) At least 2 days before the hearing, the Board must give written notice of the hearing:

(i) to the owner or keeper of the dog, by certified mail, return receipt requested; and

(ii) to the complainant, by regular mail.

(2) Except as otherwise provided by law or by rule or regulation of the Board, the notice must contain the same information as that required by Title 2, Subtitle 3 {"Administrative Hearings"} of this article for hearings conducted by the Commissioner.

(c) *Conduct of hearing.*

Except as otherwise provided by law or by rule or regulation of the Board, the hearing must be conducted in an informal manner, subject to the same standards for the submission and consideration of evidence as that provided in Title 2, Subtitle 3 {"Administrative Hearings"} of this article for hearings conducted by the Commissioner.

(City Code, 1976/83, art. 11, §40A(e)(1) - (3).) (Ord. 99-548.)

§ 10-714. Decision.

(a) *In general.*

The decision of the Board must comply with the same requirements as those imposed by Title 2, Subtitle 3 {"Administrative Hearings"} of this article for hearings conducted by the Commissioner.

(b) *Options.*

If the Board finds that the dog is vicious, the Board may issue an order for one or more of the following actions:

(1) authorizing the Commissioner to immediately kill the dog in the most humane way possible;

(2) requiring the owner or keeper to pay all costs of impoundment;

(3) requiring the owner or keeper to undertake any other corrective action; and

(4) referring the matter to the State's Attorney for prosecution.

(City Code, 1976/83, art. 11, §40A(e)(4), (5).) (Ord. 99-548.)

§ 10-715. Judicial and appellate review.

(a) *Judicial review.*

A party aggrieved by a decision of the Board under this subtitle may seek judicial review of that decision by petition to the Circuit Court for Baltimore City in accordance with the Maryland Rules of Procedure.

(b) *Appellate review.*

A party to the judicial review may appeal the court's final judgment to the Court of Special Appeals in accordance with the Maryland Rules of Procedure.

(City Code, 1976/83, art. 11, §40A(f).) (Ord. 99-548; Ord. 04-672.)

SUBTITLE 8
{RESERVED}

SUBTITLE 9
HORSE RIDING AND DRIVING

PART I. DEFINITIONS; GENERAL PROVISIONS

§ 10-901. Definitions.

(a) *In general.*

In this subtitle, the following terms have the meanings indicated.
(*City Code, 1976/83, art. 19, §32(a)(intro).*) (*Ord. 99-548.*)

(b) *Custodian.*

(1) *In general.*

“Custodian” means:

- (i) the owner or renter of a horse;
- (ii) the stable operator; or
- (iii) any individual who has the immediate possession, custody, use, or control of a horse.

(2) *Exclusions.*

“Custodian” does not include an individual who is passively sitting on a horse while it is being slowly walked on a lead by an owner, renter, or stable operator.
(*City Code, 1976/83, art. 19, §32(a)(3).*) (*Ord. 99-548.*)

(c) *Driving.*

“Driving” means the process of using a horse:

- (1) for riding; or
- (2) for pulling a wagon, cart, carriage, or other vehicle or device.

(*City Code, 1976/83, art. 19, §32(a)(5).*) (*Ord. 99-548.*)

(d) *Driving license.*

“Driving license” means a license issued by the Commissioner to use a horse:

- (1) for riding; or
- (2) for pulling a wagon, cart, carriage, or other vehicle or device.

(*City Code, 1976/83, art. 19, §32(a)(4).*) (*Ord. 99-548.*)

(e) *Horse.*

“Horse” means a horse, pony, donkey, mule, or similar animal that is:

(1) owned, driven, used, or quartered in the City, whether permanently or temporarily; and

(2) used for:

(i) riding, driving, or breeding;

(ii) showing or performing in any exhibition or animal show; or

(iii) any work or labor.

(*City Code, 1976/83, art. 19, §32(a)(7)(parts).*) (*Ord. 99-548.*)

(f) *Humane officer.*

“Humane officer” means an agent of a humane society who has been registered and approved by the Commissioner to perform the duties specified in this subtitle.

(*City Code, 1976/83, art. 19, §32(a)(8).*) (*Ord. 99-548.*)

(g) *Renter.*

“Renter” means a person who rents a horse for riding or driving purposes.

(*City Code, 1976/83, art. 19, §32(a)(13).*) (*Ord. 99-548.*)

(h) *Stable.*

“Stable” means any permanent or temporary location within the City at or from which horses are:

(1) boarded;

(2) rented for riding, driving, or other purposes;

(3) bred; or

(4) sold.

(*City Code, 1976/83, art. 19, §32(a)(13).*) (*Ord. 99-548.*)

(i) *Stable operator.*

“Stable operator” means the person who owns or is in charge of a stable.

(*City Code, 1976/83, art. 19, §32(a)(10).*) (*Ord. 99-548.*)

§ 10-902. Exemptions from subtitle.

This subtitle does not apply to any horse that is:

(1) in the custody of a licensed zoological park or its agents or contractors; or

(2) regulated by the Maryland Racing Commission.

(City Code, 1976/83, art. 19, §32(a)(7)(parts).) (Ord. 99-548.)

§§ 10-903 to 10-904. {Reserved}*PART II. DRIVING LICENSES***§ 10-905. License required.**

(a) *In general.*

Except as otherwise specified in this section, no one may drive a horse unless:

(1) he or she is an adult;

(2) has been issued a driving license by the Commissioner of Health; and

(3) has that license with him or her while driving the horse.

(b) *Exceptions.*

This section does not apply to the rider of a horse that is being held or led, during the entire period of rental or use, by a custodian with a valid driving license.

(c) *Waivers.*

The Commissioner may waive the requirements of this section for individuals participating in animal shows, organized competitions, special events involving the transportation of people in carriages or sleighs, and similar events.

(City Code, 1976/83, art. 19, §32(m)(1), (6).) (Ord. 99-548.)

§ 10-906. Applications.

The application for a driving license must:

(1) be in the form that the Commissioner requires; and

(2) contain the information that the Commissioner considers necessary to determine whether an applicant:

(i) is capable of humanely handling a horse; and

- (ii) otherwise qualified for a license under this subtitle and the rules and regulations adopted under it.

(City Code, 1976/83, art. 19, §32(m)(2), (3), (4)(part).) (Ord. 99-548.)

§ 10-907. Issuance; form; fee.

(a) Issuance.

The Commissioner must issue a driving license to the applicant if:

- (1) the applicant qualifies for the license; and
- (2) pays the required fee.

(b) Form.

The driving license must contain:

- (1) the licensee's full legal name, current address, date of birth, sex, height, weight, and eye, skin, and hair colors; and
- (2) a clear, full-face, head-and-shoulders photograph of the driver that:
 - (i) was taken within the preceding 12 months; and
 - (ii) measures 1¼" by 1¼".

(c) Fee.

The license fee is \$10 a year.

(City Code, 1976/83, art. 19, §32(m)(5), (4)(1st, 2nd sens.)).) (Ord. 99-548.)

§ 10-908. Term

Unless sooner suspended or revoked, a driving license expires on the annual anniversary of its issuance.

(City Code, 1976/83, art. 19, §32(m)(4)(3rd sen.)).) (Ord. 99-548.)

§ 10-909. Denial, suspension, or revocation.

Subject to the hearing provisions of Title 2, Subtitle 3 {"Administrative Hearings"} of this article, the Commissioner may deny, suspend, or revoke any driving license if the Commissioner finds that the applicant or licensee:

- (1) used fraud or deception in obtaining the license;
- (2) violated any provision of this subtitle or of any rule or regulation adopted under it; or
- (3) violated any other law relating to:

(i) the driving of horsedrawn vehicles;

(ii) the riding of horses; or

(iii) the treatment, care, or handling of horses.

(City Code, 1976/83, art. 19, §32(n).) (Ord. 99-548.)

§§ 10-910 to 10-911. {Reserved}

PART III. REQUIRED CARE

§ 10-912. Examination by veterinarian.

(a) *Annual examination required.*

The owner of every horse must have the horse examined by a veterinarian at least once a year.

(b) *Scope of examination.*

The examination must cover:

(1) the general condition of the horse and its teeth, hoofs, and shoes; and

(2) the horse's stamina and physical ability to carry the loads and perform the work for which it is intended.

(c) *Veterinarian's record.*

(1) The veterinarian must make a record of:

(i) any injury, disease, or deficiency detected; and

(ii) any prescription or recommendation for curing or correcting that condition or for any other disposition of the horse.

(2) The veterinarian must provide a copy of that record to the horse's owner.

(d) *Owner to retain records.*

The owner must:

(1) keep a copy of the record for at least 3 years; and

(2) make it available for inspection by a police officer, a humane officer, or the Commissioner during normal business hours.

(City Code, 1976/83, art. 19, §32(b).) (Ord. 99-548.)

§ 10-913. General limitations on use.

Whenever a horse is being used for any purpose on the streets of the City, the owner or custodian of the horse:

- (1) must treat the horse in a humane manner, never beat or prod it in any way that will cause pain or injury to the horse, and never intentionally, knowingly, or obviously be cruel to the horse;
- (2) may not use, work, drive, ride, or require labor from the horse for more than 10 hours in any 24-hour period, with adequate rest periods during those 10 hours;
- (3) at reasonable intervals, must permit the horse to have food and drinking water from a clean container that is of sufficient size and in good condition;
- (4) during times of cold or inclement weather, must drape the body of the horse, from forelegs to hind legs, with a warm covering that is in good condition;
- (5) must attend the horse at all times, as follows:
 - (i) if the horse is only being used for riding purposes, it must be securely tied to an immovable object or held, led, or mounted by an individual who is physically able to maintain full control of the horse; and
 - (ii) if the horse is being used for any other driving purpose, it must be within 75 feet of its custodian and within the custodian's sight;
- (6) may not overdrive or overload the horse, as evidenced by physical stress, strain, or exhaustion of the horse; and
- (7) must obey any order issued by the Commissioner that relates to the care and treatment of the horse.

(City Code, 1976/83, art. 19, §32(a)(1), (f), (g)(4).) (Ord. 99-548.)

§ 10-914. Limitations on driving.

Whenever a horse is being used for driving purposes on the streets of the City, the owner or custodian of the horse:

- (1) must assure that any wagon, cart, carriage, vehicle, or similar device being used is in good condition, that its axles are well-greased, and that its operating mechanisms are in good working order;
- (2) during warm weather, must park the horse in the shade when practicable;
- (3) if the wagon, cart, carriage, vehicle, or similar device is equipped with brakes, must put the brakes into a locked position at all times when not moving; and

(4) may not cause or permit the horse to gallop.
(*City Code, 1976/83, art. 19, §32(g)(1) - (3), (5)).*) (*Ord. 99-548.*)

§ 10-915. Limitations based on weather conditions.

(a) *In general.*

No owner or custodian of a horse may permit its use or work on the public streets whenever:

- (1) the temperature exceeds 92^o F. or falls below 20^o F., as announced by the local telephone service;
- (2) an official “snow emergency” is in effect; or
- (3) because of adverse weather conditions, the Director of Public Works or the Commissioner of Health issues a determination, by radio or other means, that it would be dangerous or unsuitable for a horse to be on the streets.

(b) *Return to stable.*

If a horse is already in use when a condition described in subsection (a) of this section begins, the owner or custodian must immediately return the horse, by the most direct route, to the stable from which it was obtained.

(*City Code, 1976/83, art. 19, §32(h).*) (*Ord. 99-548.*)

§ 10-916. Equipment.

The owner or custodian of every horse:

- (1) must assure that the saddle, harness, shoes, bridle, and all other equipment required or in use:
 - (i) are in good working order;
 - (ii) fit properly; and
 - (iii) will not cause physical pain or injury to the horse;
- (2) may not use curb bits, twisted wire, twisted wire snaffles, spurs, bucking straps, flank straps, or similar devices; and
- (3) must inspect the horse and all its equipment and other attachments:
 - (i) whenever it departs from the stable;
 - (ii) whenever it returns to the stable; and
 - (iii) if not being used, at least once daily.

(*City Code, 1976/83, art. 19, §32(i).*) (*Ord. 99-548.*)

§ 10-917. Quarters.**(a) *Proper quarters required.***

Every stable operator must assure that every horse is quartered in a lighted, clean, dry, and properly ventilated stable or barn and that all other requirements of this section are met.

(b) *Stalls.*

Every horse's stall must be:

- (1) large enough to permit the horse to turn around easily;
- (2) cleaned daily; and
- (3) supplied with adequate bedding of straw, shavings, or other suitable hygienic material, which must be changed as often as necessary to maintain a clean and dry condition.

(c) *Blankets.*

Blankets must be available and used as necessary during cold winter periods.

(d) *Identification.*

For emergency purposes, the exterior of the stable or barn entrance must conspicuously display, in at least 2-inch lettering, the stable operator's full name, business address, and business and home telephone numbers.

(City Code, 1976/83, art. 19, §32(j).) (Ord. 99-548.)

§ 10-918. Sick or injured horses.**(a) *Treatment required; unnecessary moving prohibited.***

If a horse is sick, diseased, lame, injured, or in pain:

- (1) the owner or custodian of the horse must take action to obtain immediate veterinary treatment, care, and attention; and
- (2) the horse may not be moved or driven, except:
 - (i) to obtain required veterinary treatment, care, and attention; or
 - (ii) to obtain immediate humane keeping or pasture.

(b) *Use during recovery period.*

During the recovery or convalescent period, the horse may not be used or worked unless the custodian has a signed, dated certificate from the treating veterinarian stating that the horse's condition will not be impaired or aggravated by the activity.

(c) *Disposal.*

A sick, diseased, lame, or injured horse may not be disposed of except in a humane manner.
(*City Code, 1976/83, art. 19, §32(k).*) (*Ord. 99-548.*)

§§ 10-919 to 10-920. {Reserved}

PART IV. MISCELLANEOUS REQUIREMENTS

§ 10-921. Identification cards.

(a) *Possession on streets required.*

Whenever any horse is on a street, the custodian must have available, for immediate inspection by a police officer, a humane officer, or the Commissioner of Health, the identification card required by this section.

(b) *Form and contents.*

The identification card must:

- (1) be on the form that the Commissioner provides;
- (2) be signed and dated by a veterinarian within the preceding 12 months;
- (3) describe the horse, including its sex, age, height, color, markings, and any other identifying information;
- (4) describe the stamina and physical condition of the horse;
- (5) describe any conditions that might restrict or affect the use, movement, or driving of the horse; and
- (6) contain the name, address, and telephone number of:
 - (i) the stable where the horse is quartered; and
 - (ii) the owner of the horse.

(c) *Owner to provide card to custodian.*

Whenever the owner of a horse rents or otherwise places it in the care or custody of any person, the owner must provide that person with the identification card required by this section.
(*City Code, 1976/83, art. 19, §32(c).*) (*Ord. 99-548.*)

§ 10-922. Driving under the influence.

No one may ride, lead, control, drive, work, exhibit, handle, care for, maintain, or supervise any horse while:

(1) intoxicated;

(2) under the influence of any intoxicating beverage or substance; or

(3) under the influence of any drugs.

(City Code, 1976/83, art. 19, §32(d).) (Ord. 99-548.)

§ 10-923. Registry of rentals.

(a) *Scope.*

This section does not apply to the transportation of people in a carriage or sleigh that is driven by a licensed driver.

(b) *Registry required; contents.*

The operator of any stable that rents horses must maintain a written registry that contains:

(1) the full name and address of every person who rents a horse;

(2) the identity of the horse; and

(3) the exact period during which the horse was rented.

(c) *Maintenance and inspection.*

The registry record must be:

(1) kept for at least 3 years after the renting; and

(2) available for inspection by a police officer, a humane officer, or the Commissioner of Health during normal business hours.

(City Code, 1976/83, art. 19, §32(e).) (Ord. 99-548.)

§ 10-924. Display of vehicle license.

The owner or operator of any horsedrawn vehicle must assure that the City license issued for the vehicle is kept clean, securely fastened, and prominently displayed on the vehicle.

(City Code, 1976/83, art. 19, §32(l).) (Ord. 99-548.)

SUBTITLE 10
{RESERVED}

SUBTITLE 11
PENALTIES

§ 10-1101. Enforcement by citation.

(a) *In general.*

In addition to any other civil or criminal remedy or enforcement procedure, this title may be enforced by issuance of:

- (1) an environmental citation under City Code Article 1, Subtitle 40 {"Environmental Control Board"}; or
- (2) a civil citation under City Code Article 1, Subtitle 41 {"Civil Citations"}.

(b) *Process not exclusive.*

The issuance of a citation to enforce this title does not preclude pursuing any other civil or criminal remedy or enforcement action authorized by law.

(City Code, 1976/83, art. 11, §41(g), art. 19, §§32(q), 145(i)(part).) (Ord. 99-548; Ord. 03-595.)

§ 10-1102. Penalties.

(a) *In general.*

- (1) Any person who violates any provision of this title or of a rule or regulation adopted under this title is guilty of a misdemeanor and, on conviction, is subject to the penalties specified in this section.

- (2) Each day that a violation continues is a separate offense.

(b) *Basic penalty: \$1,000.*

Except as otherwise specified in the section, the penalty for a violation is a fine of not more than \$1,000 for each offense.

(c) *Misrepresentation: \$1,000 and 30 days.*

For a violation of § 10-315 {"Misrepresentation to obtain custody"} of this title, the penalty is a fine of not more than \$1,000 or imprisonment for not more than 30 days or both fine and imprisonment for each offense.

(d) *Animal Protection: \$1,000 and 90 days.*

For a violation of Subtitle 4 {"Animal Protection"} or Subtitle 9 {"Horse Riding and Driving"} of this title, the penalty is a fine of not more than \$1,000 or imprisonment for not more than 90 days or both fine and imprisonment for each offense.

(e) *Attack dogs and vicious dogs: \$1,000 and 6 months.*

For a violation of § 10-601 {"Attack dogs"} or § 10-702 {"Vicious dogs"}, the penalty is a fine of not more than \$1,000 or imprisonment for not more than 6 months or both fine and imprisonment for each offense.

(City Code, 1976/83, art. 11, §37, inter alia, art. 19, §4, inter alia.) (Ord. 99-548.)

TITLE 11
SWIMMING POOLS

SUBTITLE 1
DEFINITIONS

§ 11-101. Definitions.

(a) *In general.*

In this title, the following terms have the meanings indicated.
(Ord. 99-548.)

(b) *Swimming pool.*

(1) *In general.*

“Swimming pool” means any pool, hot tub, spa, or other body of water that is used for swimming, diving, wading, therapeutic, or recreational bathing.

(2) *Inclusions.*

“Swimming pool” includes any body of water described in paragraph (1) of this subsection, whether:

(i) in-ground, above-ground, or on-ground; or

(ii) indoor or outdoor.

(City Code, 1976/83, art. 11, §245(f), art. 19, §184(a)(1st cl.)) (Ord. 99-548.)

SUBTITLE 2
PRIVATE OUTDOOR SWIMMING POOLS

PART I. DEFINITIONS; GENERAL PROVISIONS

§ 11-201. “Private outdoor pool” defined.

In this subtitle, “private outdoor pool” means any swimming pool that :

(1) is not a public swimming pool subject to Subtitle 3 {“Public Swimming Pools”} of this title;
and

(2) is not totally contained within a building and surrounded on all sides by the building’s walls.
(*Ord. 99-548.*)

§ 11-202. Purpose.

The purpose of this subtitle is to protect the inhabitants of the City, particularly children, from the hazards to life and safety inherent in unenclosed outdoor swimming pools.
(*City Code, 1976/83, art. 19, §184(d).*) (*Ord. 99-548.*)

§ 11-203. Scope of subtitle.

(a) *In general.*

This subtitle applies to all private outdoor pools in the City, whenever built.

(b) *Subtitle sets minimum requirements.*

This subtitle establishes minimum enclosure requirements only. All more stringent enclosure standards and other regulations imposed by the Building Code of Baltimore City must be complied with to the extent applicable.
(*Ord. 99-548.*)

§§ 11-204 to 11-205. {Reserved}

PART II. REQUIRED ENCLOSURE

§ 11-206. Fence or wall required.

Every outdoor swimming pool must be completely surrounded by a fence or wall that:

(1) is at least 42 inches high; and

(2) except for doors or gates:

(i) has no openings, holes, or gaps larger than 4 inches in any dimension; or

(ii) for a picket fence, has a horizontal distance between pickets of no more than 4 inches.
(City Code, 1976/83, art. 19, §184(a).) (Ord. 99-548.)

§ 11-207. Gates and doors.

(a) *In general.*

Except as specified in subsection (b) of this section, every gate or door opening through the enclosure must be equipped with a self-closing, self-latching device that keeps the gate or door securely closed at all times when not in actual use.

(b) *Exception.*

This section does not apply to the door of any dwelling house that forms a part of the enclosure.
(City Code, 1976/83, art. 19, §184(b).) (Ord. 99-548.)

§ 11-208. Owner and occupant responsible for compliance.

Compliance with the requirements of this subtitle is the duty, jointly and severally, of both:

(1) the owner of premises; and

(2) the person who occupies the land on which the outdoor swimming pool is located.
(City Code, 1976/83, art. 19, §184(c).) (Ord. 99-548.)

§ 11-209. Modifications.

(a) *Individual cases.*

In individual cases, the Department of Housing and Community Development may modify one or more of the requirements of this subtitle on a showing of good cause and satisfactory assurances that the degree of protection is not reduced.

(b) *Alternative devices.*

The Department of Housing and Community Development also may permit the use of protective devices or structures other than those specified in this subtitle, so long as the degree of protection is not reduced.
(City Code, 1976/83, art. 19, §184(e).) (Ord. 99-548.)

§§ 11-210 to 11-211. {Reserved}

PART III. PENALTIES

§ 11-212. Penalties: \$500.

Any person who violates any provision of this subtitle is guilty of a misdemeanor and, on conviction, is subject to a fine of not more than \$500 for each offense.
(City Code, 1976/83, art. 19, §184(f).) (Ord. 99-548.)

SUBTITLE 3
PUBLIC SWIMMING POOLS

PART I. DEFINITIONS; GENERAL PROVISIONS

§ 11-301. Definitions.

(a) *In general.*

In this subtitle, the following terms have the meanings indicated.
(*City Code, 1976/83, art. 19, §184(f).*) (*Ord. 99-548.*)

(b) *Person.*

“Person” includes, except as used in § 11-318 {“Penalties”} of this title, a governmental entity or an instrumentality or unit of a governmental entity.
(*City Code, 1976/83, art. 11, §245(c).*) (*Ord. 99-548.*)

(c) *Public swimming pool.*

(1) *In general.*

“Public swimming pool” means:

- (i) any swimming pool, other than as specified in paragraph (3) of this subsection, intended to be used collectively by individuals, regardless of whether a fee is charged for that use; and
- (ii) all buildings and appurtenances used in connection with that swimming pool.

(2) *Inclusions.*

“Public swimming pool” includes:

- (i) any community or apartment-complex swimming pool;
- (ii) any hotel or motel swimming pool;
- (iii) any school swimming pool;
- (iv) any recreational center swimming pool; and
- (v) any swimming pool owned or operated by a public or private club.

(3) *Exclusions.*

“Public swimming pool” does not include any swimming pool that is:

(i) located on private property;

(ii) under the control of the owner or lessee of that property; and

(iii) used only by the family and guests of that owner or lessee, without payment of any fee.

(City Code, 1976/83, art. 11, §245(d), (e), (f)(last cl.)) (Ord. 99-548.)

§ 11-302. Scope of subtitle.

This subtitle applies to all public swimming pools and to the buildings and appurtenances used in connection with them.

(City Code, 1976/83, art. 11, §244(b.)) (Ord. 99-548.)

§ 11-303. General powers of Commissioner.

(a) *Standards and criteria.*

The rules and regulations that the Commissioner adopts under § 2-106 of this article may include criteria, standards, and regulations for the design, operation, and maintenance of public swimming pools.

(b) *Fees.*

With the approval of the Board of Estimates, the Commissioner may establish fees for:

(1) the licenses issued under this subtitle; and

(2) the inspections and other services performed by the Commissioner in connection with the regulation of public swimming pools.

(c) *Inspections.*

The Commissioner may inspect a public swimming pool as necessary or appropriate to assure compliance with the requirements of this subtitle and the rules and regulations adopted under it.

(City Code, 1976/83, art. 11, §246(a), (b), (d.)) (Ord. 99-548.)

§§ 11-304 to 11-305. {Reserved}

PART II. LICENSE REQUIRED

§ 11-306. In general.

No person may operate any public swimming pool in the City without a license to do so from the Commissioner of Health.

(City Code, 1976/83, art. 11, §247(a.)) (Ord. 99-548.)

§ 11-307. Applications.

The application for a license must:

- (1) be in the form that the Commissioner requires; and
- (2) contain the information that the Commissioner requires.
(*Ord. 99-548.*)

§ 11-308. Issuance of license.

The Commissioner must issue a license to the applicant if:

- (1) the public swimming pool complies with the criteria, standards, and regulations adopted by the Commissioner; and
- (2) the applicant:
 - (i) has complied with all other applicable laws, rules, and regulations; and
 - (ii) pays the applicable license and inspection fee.
(*City Code, 1976/83, art. 11, §247(e).*) (*Ord. 99-548.*)

§ 11-309. Term of license.

(a) *In general.*

Public swimming pool licenses are issued on an annual or seasonal basis.

(b) *Annual licenses.*

Unless sooner suspended or revoked, an annual license expires on the 1st anniversary of its effective date.

(c) *Seasonal licenses.*

(1) Unless sooner suspended or revoked, a seasonal license is valid from May 1 to October 1.

(2) The application for a seasonal license must be submitted by April 1 of each year.
(*City Code, 1976/83, art. 11, §247(b), (c).*) (*Ord. 99-548.*)

§ 11-310. License not transferable.

A license may not be transferred from place to place or person to person.
(*City Code, 1976/83, art. 11, §247(f).*) (*Ord. 99-548.*)

§§ 11-311 to 11-312. {Reserved}

*PART III. SUSPENSIONS AND REVOCATIONS***§ 11-313. In general.**

Subject to the hearing provisions of Title 2, Subtitle 3 {"Administrative Hearings"} of this article, the Commissioner of Health may suspend or revoke any license issued under this subtitle if the licensee:

- (1) has withheld or falsified any information; or
- (2) neglects, refuses, or otherwise fails to comply with any provision of:
 - (i) this subtitle; or
 - (ii) a rule or regulation adopted under this subtitle.

(City Code, 1976/83, art. 11, §§246(c), 249(a).) (Ord. 99-548.)

§ 11-314. Immediate suspension.*(a) Order of suspension.*

If the Commissioner discovers a violation that represents a health or safety hazard to users of a pool, the Commissioner may issue an order of immediate suspension to the licensee.

(b) Contents.

An order issued under this section must:

- (1) cite the violation;
- (2) specify the corrective action to be taken; and
- (3) order all swimming operations to be discontinued immediately.

(c) Opportunity for hearing.

The notice must also state that a hearing will be provided to the licensee under Title 2, Subtitle 3 {"Administrative Hearings"} of this article, if one is requested.

(City Code, 1976/83, art. 11, §248.) (Ord. 99-548.)

§§ 11-315 to 11-316. {Reserved}

*PART IV. PENALTIES***§ 11-317. Enforcement by citation.***(a) In general.*

In addition to any other civil or criminal remedy or enforcement procedure, this subtitle may be enforced by issuance of an environmental citation as authorized by City Code Article 1, Subtitle 40 {"Environmental Control Board"}.

(b) Process not exclusive.

The issuance of an environmental citation to enforce this subtitle does not preclude pursuing any other civil or criminal remedy or enforcement action authorized by law.
(*Ord. 99-548.*)

§ 11-318. Penalties: \$1,000 and 6 months.*(a) In general.*

Any person who violates any provision of this subtitle or of a rule or regulation adopted under this subtitle is guilty of a misdemeanor and, on conviction, is subject to a fine of not more than \$1,000 or to imprisonment for not more than 6 months or to both fine and imprisonment for each offense.

(b) Each day a separate offense.

Each day that a violation continues is a separate offense.
(*City Code, 1976/83, art. 11, §250.*) (*Ord. 99-548.*)

TITLE 12
TOBACCO PRODUCTS

SUBTITLE 1
SMOKING IN CITY BUILDINGS AND VEHICLES

§ 12-101. Definitions.

(a) *In general.*

In this subtitle, the following terms have the meanings indicated.
(*City Code, 1976/83, art. 11, §273(intro).*) (*Ord. 99-548.*)

(b) *City building.*

“City building” means any building or part of a building that is:

(1) owned or leased by the City; or

(2) occupied by a City agency.

(*City Code, 1976/83, art. 11, §273(b).*) (*Ord. 99-548.*)

(c) *City market.*

“City market” means any of the following:

(1) Belair Market;

(2) Broadway Market;

(3) Cross Street Market;

(4) Hollins Market;

(5) Lafayette Market;

(6) Lexington Market;

(7) Northeast Market; and

(8) any future similar market.

(*City Code, 1976/83, art. 11, §273(c).*) (*Ord. 99-548.*)

(d) *Occupy.*

“Occupy” means to have control over a physical space by reason of a lease, whether written or oral.

(*City Code, 1976/83, art. 11, §273(d).*) (*Ord. 99-548.*)

(e) *Smoke.*

“Smoke” means to smoke or carry a burning cigar, cigarette, pipe, or tobacco product of any kind.

(*City Code, 1976/83, art. 11, §273(e).*) (*Ord. 99-548.*)

§ 12-102. Exemptions.

Except for City markets, this subtitle does not apply to any part of a City building that:

(1) is occupied by a private individual or business; and

(2) has a ventilation system or physical barrier that prevents air from the areas in which smoking is permitted from passing into nonsmoking areas.

(*City Code, 1976/83, art. 11, §274.*) (*Ord. 99-548.*)

§ 12-103. Prohibited conduct.

(a) *Buildings and markets.*

Except as specified in § 12-102 {“Exemptions”} of this subtitle, smoking in any City building or City market is prohibited.

(b) *City vehicles.*

Smoking in any vehicle owned or leased by the City is prohibited whenever more than 1 individual is in that vehicle.

(*City Code, 1976/83, art. 11, §275.*) (*Ord. 99-548.*)

§ 12-104. Posting signs.

At the direction of the Commissioner, each City agency must post at the entrance to its building a sign displaying the words “Smoking Prohibited by Law” or similar words.

(*City Code, 1976/83, art. 11, §279.*) (*Ord. 99-548.*)

§§ 12-105 to 12-106. {Reserved}

§ 12-107. Smoking cessation classes.

(a) *Commissioner may provide.*

The Commissioner may provide smoking cessation training classes to representatives from City agencies.

(b) *City may sponsor additional.*

The City may sponsor additional smoking cessation programs when needed.

(*City Code, 1976/83, art. 11, §280.*) (*Ord. 99-548.*)

§ 12-108. Employment rights.**(a) *Employees.***

A City supervisor may not harass or discriminate against any employee for smoking.

(b) *Applicants.*

A City supervisor may not hire or refuse to hire a job applicant because the applicant smokes or does not smoke.

(City Code, 1976/83, art. 11, §281.) (Ord. 99-548.)

§§ 12-109 to 12-110. {Reserved}**§ 12-111. Enforcement by citation.****(a) *In general.***

Any person who willfully violates any provision of this subtitle or of any rule, regulation, or order issued under this subtitle may be issued an environmental citation as authorized by City Code Article 1, Subtitle 40 {"Environmental Control Board"}.

(b) *Process not exclusive.*

The issuance of an environmental citation to enforce this subtitle does not preclude pursuing any other civil or criminal remedy or enforcement action authorized by law.

(Ord. 99-548.)

SUBTITLE 2
SALE OF UNPACKAGED CIGARETTES

§ 12-201. Definitions.

(a) *In general.*

In this subtitle, the following terms have the meanings indicated.
(*City Code, 1976/83, art. 19, §8A(a)(intro).*) (*Ord. 99-548.*)

(b) *Unpackaged cigarette.*

“Unpackaged cigarette” means any cigarette not contained in a sealed package of 20 or more cigarettes that are designed and intended to be sold or distributed as a unit.
(*City Code, 1976/83, art. 19, §8A(a)(3).*) (*Ord. 99-548; Ord. 01-072.*)

§ 12-202. Sale of unpackaged cigarettes prohibited.

No person may sell or otherwise transfer for consideration unpackaged cigarettes to any other person.
(*City Code, 1976/83, art. 19, §8A(a)(2), (b).*) (*Ord. 99-548.*)

§ 12-203. Enforcement by citation.

(a) *In general.*

In addition to any other civil or criminal remedy or enforcement procedure, this subtitle may be enforced by issuance of:

- (1) an environmental citation under City Code Article 1, Subtitle 40 {“Environmental Control Board”}; or
- (2) a civil citation under City Code Article 1, Subtitle 41 {“Civil Citations”}.

(b) *Process not exclusive.*

The issuance of a citation to enforce this subtitle does not preclude pursuing any other civil or criminal remedy or enforcement action authorized by law.
(*Ord. 01-072; Ord. 03-595.*)

§ 12-204. Penalties.

Any person who violates any provisions of this subtitle is guilty of a misdemeanor and, on conviction, is subject to a fine of not more than \$1,000 for each offense.
(*City Code, 1976/83, art. 19, §8A(c).*) (*Ord. 99-548; Ord. 01-072.*)

SUBTITLE 3
DISTRIBUTION OF SAMPLES AND COUPONS

§ 12-301. Definitions.

(a) *In general.*

In this subtitle, the following terms have the meanings indicated.
(Ord. 99-548.)

(b) *Distribute.*

“Distribute” means to:

(1) give, sell, deliver, or offer to give, sell, or deliver; or

(2) cause or hire any person to give, sell, deliver, or offer to give, sell, or deliver.
(City Code, 1976/83, art. 11, §284(a)(1).) (Ord. 99-548.)

(c) *Less than basic cost.*

“Less than basic cost” means:

(1) free of charge;

(2) for a nominal or discount price; or

(3) for any other price that is less than the distributor’s cost plus any applicable tobacco taxes.
(City Code, 1976/83, art. 11, §284(a)(3).) (Ord. 99-548.)

(d) *Public place*

(1) *In general.*

“Public place” means any area, whether open or enclosed, to which members of the public are normally invited or permitted.

(2) *Inclusions.*

“Public place” includes parks, streets, sidewalks, sports fields, gymnasiums, shopping centers, and any property owned, occupied, or operated by the City.

(3) *Exclusions.*

“Public place” does not include any retail store.
(City Code, 1976/83, art. 11, §284(a)(6), (7).) (Ord. 99-548.)

§ 12-302. Exemptions.**(a) *Single cigarette.***

This subtitle does not apply to the distribution of a single cigarette.

(b) *Downtown area.*

This subtitle does not apply anywhere in the area within and bounded by:

- (1) Centre Street on the north;
- (2) the Fallsway on the east;
- (3) Pratt Street on the south;
- (4) Paca Street on the west; and
- (5) Druid Hill Avenue on the northwest.

(c) *Published coupons.*

This subtitle does not apply to a coupon that is contained in a newspaper, magazine, or other type of publication in which the coupon is incidental to the primary purpose of the publication.

(d) *Private functions.*

This subtitle does not apply to the distribution of tobacco products or coupons at an event that is held in an enclosed area to which entry is not available to the general public but only to those whom the sponsor of the event invites.

(e) *Tobacco company employees.*

This subtitle does not apply to the distribution of tobacco products or coupons by a retailer, manufacturer, or distributor of tobacco products to its adult employees.

(City Code, 1976/83, art. 11, §284(a)(2), (5), (8), (c).) (Ord. 99-548.)

§ 12-303. Public distribution prohibited.**(a) *Tobacco products.***

Except as specified in § 12-302 {"Exemptions"} of this subtitle, no person in any public place or at any public event may distribute to a member of the public any tobacco product at less than basic cost.

(b) *Coupons.*

Except as specified in § 12-302 {"Exemptions"} of this subtitle, no person in any public place or at any public event may distribute to a member of the public any coupon that is redeemable for a tobacco product to members of the public in public places, in public areas or at public events.

(City Code, 1976/83, art. 11, §284(b).) (Ord. 99-548.)

§§ 12-304 to 12-305. {Reserved}

§ 12-306. Penalties.

(a) *In general.*

Any person who violates any provision of this subtitle is guilty of a misdemeanor and, on conviction, is subject to a fine of not more than \$500 for each offense.

(b) *Each distribution a separate offense*

Each person to whom a tobacco product is distributed constitutes a separate offense.

(City Code, 1976/83, art. 11, §284(d).) (Ord. 99-548.)

SUBTITLE 4
PLACEMENT OF TOBACCO PRODUCTS

§ 12-401. Definitions.

(a) *In general.*

In this subtitle, the following terms have the meanings indicated.
(*Ord. 01-076.*)

(b) *Tobacco product.*

(1) *In general.*

“Tobacco product” means any substance that contains tobacco.

(2) *Inclusions.*

“Tobacco product” includes any:

(i) cigarette;

(ii) cigar;

(iii) bidi;

(iv) pipe or other smoking tobacco; or

(v) chewing tobacco, spit tobacco, snuff, or other smokeless tobacco.

(*Ord. 01-076.*)

§ 12-402. Placement requirements — In general.

(a) *Prohibited placement.*

Except as otherwise specified in this subtitle, no establishment that sells tobacco products at retail may display, store, or place any tobacco product anywhere that is accessible to customers without the intervention of the seller or an employee of the seller.

(b) *Examples of complying placement.*

The display, storage, or placement of tobacco products in accord with one of the following methods does not violate subsection (a) of this section:

(1) behind a sales counter in a place that, absent extraordinary efforts, is beyond the physical reach of customers;

(2) in a locked display case for which seller assistance is needed to gain access to products in the case; or

(3) in an overhead merchandise rack that:

- (i) at its lowest point, is at least 6 feet above the floor; and
- (ii) permits access to products in the rack only from the side facing away from customers.

(Ord. 01-076.)

§ 12-403. Placement requirements — Exceptions.

This subtitle does not apply to:

- (1) the sale of tobacco products from a vending machine that complies with all requirements of State Business Regulation Article, Title 16, Subtitle 3A; or
- (2) an establishment that:

- (i) sells tobacco products exclusively or primarily; and
- (ii) makes bona fide efforts to prevent minors from entering the establishment.

(Ord. 01-076.)

§§ 12-404 to 12-405. {Reserved}

§ 12-406. Enforcement by citation.

(a) *In general.*

In addition to any other civil or criminal remedy or enforcement procedure, this subtitle may be enforced by issuance of:

- (1) an environmental citation under City Code Article 1, Subtitle 40 {"Environmental Control Board"}; or
- (2) a civil citation under City Code Article 1, Subtitle 41 {"Civil Citations"}.

(b) *Process not exclusive.*

The issuance of a citation to enforce this subtitle does not preclude pursuing any other civil or criminal remedy or enforcement action authorized by law.

(Ord. 01-076; Ord. 03-595.)

§ 12-407. Penalties: \$500.

(a) *In general.*

Any owner, operator, or manager of an establishment that violates any provision of this subtitle is guilty of a misdemeanor and, on conviction, is subject to a fine of not more than \$500 for each offense.

(b) *Each day a separate offense.*

Each day that a violation continues is a separate offense.
(*Ord. 01-076.*)

SUBTITLE 5
DISTRIBUTION TO MINORS

§ 12-501. Definitions.

(a) *In general.*

In this subtitle, the following terms have the meanings indicated.

(b) *Distribute.*

“Distribute” means to:

- (1) give away, sell, deliver, dispense, or issue;
- (2) offer to give away, sell, deliver, dispense, or issue; or
- (3) cause or hire any person to:
 - (i) give away, sell, deliver, dispense, or issue; or
 - (ii) offer to give away, sell, deliver, dispense, or issue.

(c) *Tobacco product.*

(1) *In general.*

“Tobacco product” means any substance that contains tobacco.

(2) *Inclusions.*

“Tobacco product” includes any:

- (i) cigarette;
- (ii) cigar;
- (iii) bidi;
- (iv) pipe or other smoking tobacco; or
- (v) chewing tobacco, spit tobacco, snuff, or other smokeless tobacco.

(Ord. 02-322.)

§ 12-502. Unlawful distribution.**(a) *Persons in business.***

A person engaged in the business of selling or otherwise distributing tobacco products for commercial purposes may not:

- (1) distribute any tobacco product to a minor, unless the minor is acting solely as the agent of an employer engaged in the business of distributing tobacco products;
- (2) distribute any cigarette rolling paper to a minor; or
- (3) distribute to a minor any coupon redeemable for any tobacco product.

(b) *Others.*

A person not described in subsection (a) of this section may not:

- (1) buy for or sell to a minor any tobacco product; or
- (2) buy for or sell or deliver to a minor any cigarette rolling paper.

(Ord. 02-322.)

§ 12-503. Exceptions.**(a) *Published coupon.***

This subtitle does not apply to the distribution of a coupon that is:

- (1) contained in a newspaper, magazine, or other type of publication in which the coupon is incidental to the primary purpose of the publication; or
- (2) sent through the mail.

(b) *Identification as adult.*

A person has not violated this subtitle if:

- (1) the person examined a buyer's or recipient's driver's license or other identification issued by an employer, governmental entity, or institution of higher education; and
- (2) the license or other identification identified the buyer or recipient as being at least 18 years old.

(Ord. 02-322.)

§§ 12-504 to 12-505. {Reserved}

§ 12-506. Enforcement by citation.*(a) In general.*

In addition to any other civil or criminal remedy or enforcement procedure, this subtitle may be enforced by issuance of:

- (1) an environmental citation under City Code Article 1, Subtitle 40 {"Environmental Control Board"}; or
- (2) a civil citation under City Code Article 1, Subtitle 41 {"Civil Citations"}.

(b) Process not exclusive.

The issuance of a citation to enforce this subtitle does not preclude pursuing any other civil or criminal remedy or enforcement action authorized by law.

(Ord. 02-322.)

§ 12-507. Penalties: \$1,000.

Any person who violates any provision of this subtitle is guilty of a misdemeanor and, on conviction, is subject to a fine of not more than \$1,000 for each offense.

(Ord. 02-322.)

TITLE 13
TATTOO ESTABLISHMENTS

SUBTITLE 1
DEFINITIONS

§ 13-101. Definitions.

(a) *In general.*

In this title, the following terms have the meanings indicated.
(Ord. 99-548.)

(b) *Tattoo.*

“Tattoo” means to prick, pierce, or otherwise enter the skin or the mucous membrane of an individual for the purpose of inserting pigments or raising scars.
(Ord. 99-548.)

(c) *Tattoo establishment.*

“Tattoo establishment” means any place at which a tattoo is administered for any form of consideration.
(Ord. 99-548.)

(d) *Tattooist.*

“Tattooist” means any individual who administers a tattoo for any form of consideration.
(Ord. 99-548.)

SUBTITLE 2
LICENSING AND REGISTRATION

§ 13-201. License required for tattoo establishments.

No person may maintain, operate, or conduct a tattoo establishment in the City without a license to do so from the Commissioner of Health.

(City Code, 1976/83, art. 11, §216(a)(1st sen.).) (Ord. 99-548.)

§ 13-202. Registration required for tattooists.

No tattoo establishment may employ or otherwise allow any individual to act as a tattooist, and no individual may act as a tattooist, unless that individual has first registered with the Commissioner of Health.

(City Code, 1976/83, art. 11, §216(a)(1st sen.).) (Ord. 99-548.)

§ 13-203. Applications for license.

An application for a tattoo establishment license must:

(1) be on the form that the Commissioner provides; and

(2) contain the information that the Commissioner requires.

(Ord. 99-548.)

§ 13-204. Issuance of license; fee.

The Commissioner must issue a license to the applicant on receipt of:

(1) a completed application; and

(2) the annual license fee of \$100.

(City Code, 1976/83, art. 11, §216(a)(2nd sen.).) (Ord. 99-548.)

§ 13-205. Term.

Unless sooner revoked, a license issued under this title expires annually on the anniversary of its issuance.

(City Code, 1976/83, art. 11, §216(a)(2nd sen.).) (Ord. 99-548.)

SUBTITLE 3
REGULATED ACTIVITIES

§ 13-301. Safety and sanitary standards.

All tattooing must be done in conformance with:

(1) the State regulations governing skin-penetrating body adornment procedures (COMAR 10.06.01.06H); and

(2) any additional conditions that the Commissioner adopts to protect the public health.
(*City Code, 1976/83, art. 11, §216(b).*) (*Ord. 99-548.*)

§§ 13-302 to 13-303. {Reserved}

§ 13-304. Tattooing minors prohibited.

No person may tattoo any minor.
(*City Code, 1976/83, art. 19, §186(1st sen.).*) (*Ord. 99-548.*)

SUBTITLE 4
ENFORCEMENT; PENALTIES

§ 13-401. Suspensions, revocations, etc.

Subject to the hearing provisions of Title 2, Subtitle 3 {"Administrative Hearings"} of this article, the Commissioner may suspend, revoke, or refuse to renew the license or registration of any person if that person, that person's tattoo establishment, or any tattooist employed by that person violates any provision of this title or of any order, rule, or regulation issued under this title.
(*City Code, 1976/83, art. 11, §216(d).*) (Ord. 99-548.)

§§ 13-402 to 13-403. {Reserved}

§ 13-404. Penalties: \$1,000.

Any person who violates any provision of this title or of any order, rule, or regulation issued under this title is guilty of a misdemeanor and, on conviction, is subject to a fine of not more than \$1,000 for each offense.
(*City Code, 1976/83, art. 11, §216(e).*) (Ord. 99-548.)

TITLE 14
AMMUNITION SALES TO MINORS

§ 14-101. Definitions.

(a) *In general.*

In this title, the following terms have the meanings indicated.

(b) *Ammunition.*

“Ammunition” means any cartridge, shell, or other device that contains explosive or incendiary material and is designed or intended for use in any firearm.

(c) *Firearm.*

“Firearm” means any pistol, revolver, rifle, shotgun, short-barreled rifle, short-barreled shotgun, or other firearm.

(d) *Minor.*

“Minor” means any person under the age of 18.

(Ord. 02-452.)

§ 14-102. {Reserved}

§ 14-103. Sale, etc., to minors prohibited.

No person may sell, give, or otherwise transfer, or attempt to sell, give, or otherwise transfer any ammunition to a minor.

(Ord. 02-452.)

§ 14-104. Purchase, etc., by minors prohibited.

No minor may:

(1) purchase or attempt to purchase any ammunition; or

(2) possess any ammunition in any public place.

(Ord. 02-452.)

§ 14-105. Photo ID required.

No person may sell, give, or otherwise transfer or attempt to sell, give, or otherwise transfer any ammunition to any individual without first verifying, by means of photographic identification that contains the individual’s date of birth, that the individual is not a minor.

(Ord. 02-452.)

§ 14-106. {Reserved}

§ 14-107. Registration.*(a) In general.*

- (1) Except as specified in paragraph (2) of this subsection, every person engaged in the business of selling ammunition must apply to the Commissioner of Health for a “Protections of Minors” registration.
- (2) This section does not apply to a person who is licensed under State Code Article 27, § 443 as a regulated firearms dealer.

(b) Form and information.

The registration must:

- (1) be on the form that the Commissioner provides;
- (2) contain the information that the Commissioner requires; and
- (3) be supplemented within 30 days of any change in the information submitted.

(c) Fees.

Registration fees are as follows:

- (1) Initial registration of business – \$10.
- (2) Supplementation of information – \$5.

(Ord. 02-452x.)

§ 14-108. Notices.

Every person engaged in the business of selling ammunition must post conspicuously in that person’s place of business a notice of:

- (1) the prohibition in § 14-103 of this title against the transfer of ammunition to minors; and
- (2) the requirement in § 14-105 of this title for age verification.

(Ord. 02-452.)

§ 14-109. Sales log.*(a) Required.*

Every person engaged in the business of selling ammunition must keep a log of all ammunition sales.

(b) *Contents.*

The sales log must contain, for each sale of ammunition:

- (1) a copy of the sales receipt; and
- (2) a copy of the purchaser's photographic identification, clearly showing the purchaser's name and date of birth.

(c) *Inspection.*

During business hours, the sales log must be kept near the register and made available for inspection by any police officer or any designee of the Commissioner.

(Ord. 02-452.)

§ 14-110. {Reserved}

§ 14-111. Rules and regulations.

In the rules and regulations adopted under § 2-106 {"Rules and regulations"} of this article, the Commissioner may include provisions governing:

- (1) registration information to be provided and, from time to time, supplemented under § 14-107 of this title;
- (2) the wording, size, and placement of the notices required by § 14-108 of this title; and
- (3) the form of and information to be recorded in the sales log required by § 14-109 of this title.

(Ord. 02-452.)

§ 14-112. {Reserved}

§ 14-113. Penalties.

Any person who violates any provision of this title or of a rule or regulation adopted under this title is guilty of a misdemeanor and, on conviction, is subject to a fine of \$1,000 or imprisonment for 1 year or both.

(Ord. 02-452.)

TITLE 15
EPHEDRINE PRODUCTS

SUBTITLE 1
DEFINITIONS

§ 15-101. Definitions.

(a) *In general.*

In this title, the following terms have the meanings indicated.

(b) *Distribute.*

“Distribute” means to:

- (1) give away, sell, deliver, dispense, or issue;
- (2) offer to give away, sell, deliver, dispense, or issue; or
- (3) cause or hire any person to:
 - (i) give away, sell, deliver, dispense, or issue; or
 - (ii) offer to give away, sell, deliver, dispense, or issue.

(c) *Ephedrine product.*

“Ephedrine product” means any dietary supplement product designed or intended for human consumption that contains any natural or synthetic ephedrine.

(Ord. 03-621.)

SUBTITLE 2
DISTRIBUTION TO MINORS

§ 15-201. Unlawful distribution – Businesses.

A person engaged in the business of selling or otherwise distributing ephedrine products for commercial purposes may not:

(1) distribute any ephedrine product to a minor, unless the minor is acting solely as the agent of an employer engaged in the business of distributing ephedrine products; or

(2) distribute to a minor any coupon redeemable for any ephedrine product.

(Ord. 03-621.)

§ 15-202. Unlawful distribution – Others.

(a) *In general.*

A person not described in § 15-201 of this subtitle may not buy for or sell or deliver to a minor:

(1) any ephedrine product; or

(2) any coupon redeemable for any ephedrine product.

(b) *Parent or guardian at physician's direction.*

This section does not apply to a parent or guardian of a minor who provides the product to the minor in accordance with written instructions of the minor's physician.

(Ord. 03-621.)

§ 15-203. Exceptions – Identification as adult.

A person has not violated this subtitle if:

(1) the person examined a buyer's or recipient's driver's license or other identification issued by an employer, governmental entity, or institution of higher education; and

(2) the license or other identification identified the buyer or recipient as being at least 18 years old.

(Ord. 03-621.)

§ 15-204. Exceptions – Published coupon.

This subtitle does not apply to the distribution of a coupon that is:

(1) contained in a newspaper, magazine, or other type of publication in which the coupon is incidental to the primary purpose of the publication; or

(2) sent through the mail.
(Ord. 03-621.)

§§ 15-205 to 15-208. {Reserved}

§ 15-209. Enforcement by citation.

(a) *In general.*

In addition to any other civil or criminal remedy or enforcement procedure, this subtitle may be enforced by issuance of an environmental citation as authorized by City Code Article 1, Subtitle 40 {"Environmental Control Board"}.

(b) *Process not exclusive.*

The issuance of an environmental citation to enforce this subtitle does not preclude pursuing any other civil or criminal remedy or enforcement action authorized by law.
(Ord. 03-621.)

§ 15-210. Criminal penalties: \$1,000.

Any person who violates any provision of this subtitle is guilty of a misdemeanor and, on conviction, is subject to a fine of not more than \$1,000 for each offense.
(Ord. 03-621.)

SUBTITLE 3
PRODUCT PLACEMENT

§ 15-301. General requirements.

Except as otherwise specified in this subtitle, no establishment that sells ephedrine products at retail may display, store, or place any ephedrine product anywhere that is accessible to customers without the intervention of the seller or an employee of the seller.

(Ord. 03-621.)

§ 15-302. Examples of complying placement.

The display, storage, or placement of ephedrine products in accord with one of the following methods does not violate § 15-301 of this subtitle:

- (1) behind a sales counter in a place that, absent extraordinary efforts, is beyond the physical reach of customers;
- (2) in a locked display case for which seller assistance is needed to gain access to products in the case; or
- (3) in an overhead merchandise rack that:
 - (i) at its lowest point, is at least 6 feet above the floor; and
 - (ii) permits access to products in the rack only from the side facing away from customers.

(Ord. 03-621.)

§§ 15-303 to 15-308. {Reserved}

§ 15-309. Enforcement by citation.

(a) In general.

In addition to any other civil or criminal remedy or enforcement procedure, this subtitle may be enforced by issuance of an environmental citation as authorized by City Code Article 1, Subtitle 40 {"Environmental Control Board"}.

(b) Process not exclusive.

The issuance of an environmental citation to enforce this subtitle does not preclude pursuing any other civil or criminal remedy or enforcement action authorized by law.

(Ord. 03-621.)

§ 15-310. Criminal penalties: \$500.**(a) *In general.***

An owner, operator, or manager of an establishment that violates any provision of this subtitle is guilty of a misdemeanor and, on conviction, is subject to a fine of not more than \$500 for each offense.

(b) *Each day a separate offense.*

Each day that a violation continues is a separate offense.
(Ord. 03-621.)

HEALTH

TITLES 16 - 17
{RESERVED}

TITLE 18
MISCELLANEOUS REGULATIONS

§ 18-101. Burials.

(a) *Grave depth.*

Every grave dug in any cemetery or burial ground must be at least 4' 6" deep.

(b) *Penalties.*

Any person who violates this section is guilty of a misdemeanor and, on conviction, subject to a fine of not more than \$100 for each offense.

(City Code, 1976/83, art. 11, §§218, 219(a).) (Ord. 99-548.)

§ 18-102. Youth baseball gear.

(a) *Definitions.*

(1) *In general.*

In this section, the following terms have the meanings indicated.

(2) *“Approved protective gear”.*

“Approved protective gear” means protective eye, head, and body equipment that meets or exceeds standards set by any of the following for use in youth baseball:

(i) the American National Standards Institute;

(ii) the American Society of Testing and Measurements;

(iii) the Snell Memorial Foundation; or

(iv) any other organization that the Health Commissioner designates for this purpose.

(3) *“Youth baseball”.*

“Youth baseball” means any baseball game or practice session held under the auspices of:

(i) Little League Baseball; or

(ii) any other organization of 2 or more teams.

(b) *Protective gear required.*

No individual under the age of 16 may participate in youth baseball, at any position, unless she or he is wearing approved protective gear of the type the Commissioner designates as appropriate for that position.

(c) *Rules and regulations.*

In the rules and regulations adopted under § 2-106 {"Rules and regulations"} of this article, the Health Commissioner must include provisions, consistent with this section, that designate:

- (1) the types of protective gear that are appropriate for each playing position; and
- (2) the organizations whose standards may be used for determining whether equipment is approved protective gear for purposes of this section.

(d) *Enforcement.*

This section is enforced by the issuance of a warning that:

- (1) informs the offender of the requirements of this section; and
- (2) contains educational materials about approved protective gear for youth baseball.

(Ord. 01-273.)